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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

GUATEMALA

[5 January 1995]

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*/ The annexes may be consulted in the Secretariat's archives.

Introduction

1.This report is submitted by the State of Guatemala in compliance with article 44, paragraph 1, of the Convention on the Rights of the Child, in which States parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized in the Convention and on the progress made on the enjoyment of those rights.

2.It must be pointed out that the State of Guatemala has been subject in its recent history, in addition to 34 years of internal armed conflict, to demands for change and to structural requirements which have prevented it from pursuing a regular and normal course in its compliance with its commitments with respect to human rights and the rights of the child. This situation has been characterized basically by political, constitutional and institutional changes and by changes of Government, which have made it impossible to establish a consistent approach to the monitoring and fulfilment of these commitments. At present the State of Guatemala is undergoing changes in its public structures generated by tax reforms, privatization, decentralization, peace agreements, international agreements, and other events and national emergencies. An attempt is being made to focus on children as important agents of the nation's future development.

3. The legal structure regulating the situation of children in Guatemala is based on the doctrine of the irregular situation, whereas the Convention on the Rights of the Child is based on the United Nations doctrine of comprehensive protection; this creates a conflict of law. This report has been prepared largely in accordance with the first of these doctrines.

4. The drafting of this report provided an opportunity to identify focal points in the various public and private institutions for monitoring compliance with the Convention.

I. GENERAL DESCRIPTION OF THE COUNTRY

5. Guatemala has an area of 108,889 km^2 and an estimated population of 9,197,345. The population is made up of more than 21 indigenous groups, each speaking its own language, with Spanish as the official language. In 1990 the indigenous population was estimated at 4.4 million, equivalent to 48% of the total population.

6. Guatemala has an annual population growth rate of 2.8%. According to official figures, 46% of the population is aged under 15, i.e. 4,230,778 children, and 7% consists of girls and boys between the ages of 15 and 18, i.e. a total of 643,814. Guatemala has 4,874,592 minors. Women make up 49.5% of the population and a little under half of them are of child-bearing age.

7. For further general information about the country, please refer to the core document submitted to the Committee on Human Rights (HRI/CORE/1/Add.47).

II. GENERAL MEASURES TO IMPLEMENT THE CONVENTION

A. Measures adopted to bring national legislation and policy into line with the provisions of the Convention (pursuant to art. 4)

1. Harmonization of legislation

8. The measures adopted by the State of Guatemala include measures which are the responsibility of the legislature as the institution for the formulation, adoption and promulgation of laws tailored to the needs of society, and specifically laws, decrees, bills or measures concerning the allocation of regular and extraordinary budgetary resources for the benefit of Guatemalan society which, directly or indirectly, affect the welfare of children and/or their families. The working committees of the legislature include a committee with specific responsibility for children, women and the family which supports and studies preliminary, draft and formally proposed legislation.

9. Since the transition to democracy on 14 January 1986 Guatemala has been making formal legal progress with respect to human rights; it has acceded to some 45 international instruments, including the Convention on the Rights of the Child. This legal instrument was adopted by Ratification Decree No. 27-90 of the Congress of the Republic on 10 May 1990, and the instrument of ratification was deposited on 6 June 1990. The Convention entered into force on 2 September 1991.

(a) Draft code on childhood and adolescence

10. This document is undergoing the adoption process, having been submitted this year as a congressional bill. The text is based on the United Nations doctrine of comprehensive protection and the Convention on the Rights of the Child. The drafting of the code has taken about three years of work and discussion, and its content is consistent with the provisions and principles of the Convention.

11. The initiative for the preparation of this draft code was taken by the Commission for the Convention on the Rights of the Child, which is made up of various governmental and non-governmental organizations and has its activities coordinated by the Office of the Human Rights Procurator through the Children's Ombudsman.

(b) Adoption act

12. Guatemala is poised to promulgate a new adoption act based on the principles and provisions of the Convention on the Rights of the Child, with a view to providing protection for children likely to be adopted and to restoring the noble institution of adoption, which has recently fallen into disrepair and disrepute, with several cases of international adoption being subjected to review. This draft adoption code, which is in third reading and undergoing article by article scrutiny in the Congress, proposes that adoption should be a legal institution designed fundamentally to ensure the psychological and social protection of the family and society, and of the public order, exclusively in the interests of the child concerned and with full recognition of his fundamental rights.

(c) International Labour Organization Convention No. 169

13. This instrument of the International Labour Organization (ILO) concerning indigenous and tribal peoples in independent countries is relevant to the cultural rights of the child. It is currently being debated in the Congress.

(d) Military and social service bill

14. The Ministry of National Defence drafted a military and social service bill which has already been submitted to the Congress for study, adoption and promulgation. This bill offers the alternative of military service supplemented by voluntary social service for persons of the age of majority.

15. In June this year the President of the Republic instructed the Minister of Defence not to undertake any further recruitment until this legislation has been promulgated and to accept for military service in the meantime only persons aged 18 or over who volunteer for military service and meet the legal requirements.

(e) Domestic service protection bill

16. Discussion of this instrument of the Guatemalan Social Security Institute (IGSS) will begin in January 1995. This bill protects female domestic workers by providing them with social security benefits and in particular by guaranteeing them maternal and child health care; it is pointed out that many young people perform this kind of work.

(f) Criminal Code

17. In addition to the provisions concerning children contained in Guatemala's Criminal Code, the signature of the Comprehensive Agreement on Human Rights by the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) established a commitment to include among the amendments to the Code the crimes of forced or involuntary disappearance, summary or extrajudicial execution, and other particularly serious crimes, which could at times apply to acts committed against children.

(g) Code of Criminal Procedure

18. With regard to the obligation to obey the law and to ensure that it is obeyed, the promulgation and entry into force of this Code this year provides greater transparency and flexibility in the administration of justice in general, and this will also be of benefit to Guatemalan children.

19. In addition, this year the executive created the National Children's Fund, which is operating under the auspices of the Office of Social Works of the wife of the President with the support of the United Nations Children's Fund (UNICEF) pending its legal approval. This Fund will constitute the financial arm of the National Children's Council on the entry into force of the draft code on childhood and adolescence which has been submitted to the Congress for approval.

20. The Ministry of the Economy is also carrying out administrative and legislative measures which directly and indirectly recognize the economic rights

of the child. The Ministry, on the basis of Government Agreements Nos. 531-86, 129-92, 221-92 and 467-93 and the Commercial Code, and in conjunction with the executing agencies - the Guatemalan Standards Commission (COGUANOR) and the Mercantile Register - has studied, drafted and proposed to the executive the standards which it thinks will be useful to the country and contribute to its industrial development by establishing principles of equity in the relations between producers and consumers. The proposed standards include several concerning the analysis and description of products intended for consumption by children, and these standards specify the conditions for quality control.

21. The National Mortgage Bank of Guatemala has a National Department for Children's Savings, which has formulated regulations for savings accounts. Saving by children is also encouraged in the private banking system, by the Banco UNO for example.

2. Harmonization of policies

22. The following national plans deserve mention as some of the most pertinent, consistent and concrete aspects of the endeavour to harmonize State policies with the Convention.

23. The Action Plan for Social Development, Human Development, Childhood and Youth (PLADES) was formulated in 1991 and emphasises the concepts of human development, childhood and youth against the background of the economic and social situation prevailing in Guatemala in recent decades. In PLADES the State formulates economic and social plans whose fundamental aim is to satisfy the basic needs of large sectors of the population which are extremely vulnerable, especially children, women and old people, for the periods 1992-1996 and 1997-2000; children are the main focus.

24. PLADES is structured around the three focuses of the Plan of Action adopted at the World Summit for Children:

(a) Survival, which includes health, food, nutrition, access to medical services, fair living standards, improvement of general health during pregnancy and the first years of life, improved child survival rates and promotion of the participation of mothers and fathers and the national community, in a commitment to guarantee everyone the full enjoyment of their rights;

(b) Protection: access to social welfare and security programmes, especially for women and children, and the eradication of exploitation, ill-treatment and abandonment of children or their arbitrary separation from their families. In addition, special measures are envisaged for the protection of children in situations of poverty, socially vulnerable and disabled children, and children from minority groups;

(c) Development, which includes measures relating to access to education, recreation and rest, the freedoms of association and of active participation in one's own development, improvement of the community, and the building of a more just and mutually supportive society, as well as measures relating to work, access to decent housing, food security, and the preservation of the environment and natural resources.

25. PLADES thus harmonizes the basic policies for children and young people with the commitments undertaken by the State when it ratified the Convention.

26. The general strategy of PLADES is underpinned by a coherent combination of economic and social policies based on the following aims:

(a) To direct State support to society's poorest and most vulnerable groups;

(b) To establish an economic and social framework which will facilitate the strengthening of the purchasing power of the majority of the population;

(c) To promote the participation of the target groups, on the basis of self-management, in the search for solutions and in the implementation of programmes and projects;

(d) To encourage the private sector to use its capacities for the provision of social services.

27. The other aims of the Plan include:

(a) Improvement of the people's health, with emphasis on the health of children and women and other vulnerable groups, by extending the health services to people who are not yet covered and are difficult to reach;

(b) Improvement of the people's diet and nutrition, especially in the case of mothers and children in the areas which have poorest services and are difficult to reach;

(c) Maximum reduction of the education deficits and illiteracy by expanding and improving the services to cover the majority of the child population;

(d) Strengthening of the family as the basic unit of society;

(e) Improved access of women to education, culture, health and work in conditions of justice and equality; balanced distribution of family responsibilities, and extension of the support services for women, especially the most needy ones;

(f) Protection and assistance for children in especially difficult circumstances with a view to the development of their personality in an environment of dignity, equality and solidarity and to their integration in society;

(g) Immediate assistance for children and widows affected by the armed conflict, guaranteeing them food, medical and psychological treatment, education, legal assistance and basic services;

(h) Substantial improvement of environmental conditions, especially in areas of poverty and extreme poverty.

28. PLADES stems from the summit meeting of the Presidents of Central America and Panama, held in Puntarenas, Costa Rica, in December 1990, from the meeting

of Planning Ministers held in the capital of the Republic of El Salvador in May 1991, and from the February 1991 ratification of the commitments of the World Summit for Children.

29. All the Central American countries and Panama agreed on the need for each country to have an action plan for social development which would enable them to confront the region's poverty and reduce it in the medium term. Accordingly, the Government of Guatemala, with the technical and financial support of UNICEF and the United Nations Development Programme (UNDP) under the programme CAM/91/012/A/16/31, supported the formulation of PLADES, which was coordinated by the Secretariat-General of the National Economic Planning Council (SEGEPLAN) with the technical assistance of 43 institutions, including both the public sector and non-governmental organizations. PLADES has not been properly implemented and its effects have certainly not been evaluated; it will therefore have to be relaunched through dissemination by and participation of the organizations involved.

30. Furthermore, on the basis of the Latin American experience of the strategy of social investment funds, the Government introduced the National Fund for Peace (FONAPAZ), the National Support Programme for Small Enterprises and the Social Investment Fund (FIS), reorganized the implementation of the Programme of Assistance for Widows and Orphans (PAVYH), and established in July 1991 the community day-care units programme.

31. Following the installation of the new Government on 6 June 1993, after the constitutional and institutional breakdown of 25 May that year, a national emergency plan called "the 180-day plan" was introduced in order to end the crisis resulting from the social upheavals which had caused the change of Government; this plan was followed by the Government Plan 1994-1995, and both these plans were taken into account in PLADES. In further support of these activities, SEGEPLAN has formulated a plan for the food and nutritional security of the Guatemalan people (PLANUT). Both PLADES and PLANUT are targeted basically on children and their families, and their activities are based largely on the conclusions and resolutions of the World Summit for Children, the 1991 social summit in Honduras, and the Rome international conference of December 1992.

32. Together with the formulation of these plans, their financial structure was also specified in the public investment plan (PIP), which has had to be constantly updated.

33. UNICEF has supported the programme "Children in especially difficult circumstances" with the following contributions, which have been made without interruption (thousands of dollars):

Programme	1990	1991	1992	1993	1994	Total
CEDS	63.2	329.4	215.1	361.2	459.4	1,428.3

34. International assistance for improved application of the Convention is being channelled through SEGEPLAN for the period 1990-1996 for the following programmes:

Source	Programme	Amount (US $)
USA-IDB	B-64 PAITRO - health and social assistance	10,791
Germany	B-39 - multisectoral food security programme in El Quiché	1,580,025
Spain	B-84 - day-care centres for children of industrial workers	110,000
Spain	B-195 - leisure parks	15,500
WFP	B-171 - food for vulnerable groups	24,270
WFP	F-96 - food for displaced and repatriated persons	3,000,000
UNICEF	B-164 - MILED programme	2,130,200
UNICEF	B-176 - women in development programme	2,050,000
UNICEF	B-191 - mother and child nutrition programme	2,500,000
Republic of Korea	juvenile services unit	1,000,000

35. All these plans and programmes make some kind of contribution to the further harmonization of State policies with the provisions of the Convention and have served as a reference framework for programming and planning in the various sectors involved.

B. Existing and planned mechanisms and measures at the national and local levels to coordinate policies for children and monitor the implementation of the Convention

36. For the purposes of these mechanisms, coordination offices have been established for both governmental and non-governmental organizations; the following ones may be cited.

1. Office of the Human Rights Procurator

37. The Political Constitution of the Republic of Guatemala, promulgated in 1985, establishes the Human Rights Procurator as a Congressional Commissioner for the protection of the human rights guaranteed by the Constitution itself and by the international treaties and conventions ratified by Guatemala. The Human Rights Procurator has the fundamental quality of not being subordinate to any organ, institution or official and he has absolute independence of action. He has encouraged measures in support of the rights of the child and the promotion, dissemination and implementation of the Convention. These measures have been carried out through three agencies:

(a) The Department of Education and Promotion of the Office of the Human Rights Procurator;

(b) The Children's Ombudsman;

(c) The Commission for the Convention on the Rights of the Child.

38. At the outset the Office of the Human Rights Procurator established a family and minors unit with a view to investigating reports of violations of the rights of children. Since 1989 there has been special emphasis on activities connected with the protection of the rights of Guatemalan children carried out by the Department of Education and Promotion, with high priority given to educational programmes and activities on human rights in general and, more particularly, to formal and informal instruction in the rights of the child.

39. Training has been given to pupils in primary education at the basic and comprehensive levels, as well as to parents, teachers, members of the security forces, and personnel responsible for children in institutions or prisons. This training has been supplemented by the radio programme "Know Your Rights", and as much use as possible is made of the mass communication media. There is also the telephone line 155, which is used to report ill-treatment of children and other violations of their rights.

40. The extreme vulnerability of Guatemalan children prompted the Human Rights Procurator to create the office of Children's Ombudsman in December 1990. The fundamental aim of this office is to ensure respect for and observance of the rights of the child within the framework of the Convention on the Rights of the Child. Inter-institutional coordination arrangements have been introduced, inter alia with the Ministry of Education and the Association for Social Research and Studies (ASIES).

41. The Children's Ombudsman has the following specific powers:

(a) Conduct of investigation of complaints by the public or investigations initiated by the Ombudsman himself to determine liability, order the cessation of the violation, and secure prosecution by the competent organs;

(b) To ensure that the authorities responsible for providing protection for children carry out their duties and that they take the provisions of the Convention into account in their work;

(c) To coordinate inter-institutional, governmental and non-governmental actions, at the national and international levels, especially with bodies providing services for children;

(d) To take preventive action to protect the rights of the child by means of educational activities and through the social communication media;

(e) To ensure coordination with the Department of Education and Promotion of the Office of the Human Rights Procurator in carrying out activities designed to stimulate interest and educate children and adults in observance of the rights and duties of children and their means of protection;

(f) To visit public and private bodies providing services for children in order to verify the conditions under which the services are provided, with a view to suggesting the introduction of appropriate measures for the benefit of children;

(g) To represent and/or accompany the Human Rights Procurator, at his request, at events connected with children.

42. The early part of 1989 saw the creation of the Commission for the Convention on the Rights of the Child, which is made up of governmental, non-governmental and private institutions. In November 1989, during a seminar in Panajachel, Department of Sololá, it was recommended that the Office of the Human Rights Procurator should become the coordinator of all the national units and international bodies which are operating programmes connected with the rights of the child.

43. The Department itself has carried out the following activities for children: study of the relevant existing legislation in Guatemala; study of the situation of children; analysis of the United Nations doctrine of comprehensive protection; and meetings of the Commission for the Convention on the Rights of the Child with international experts.

44. International cooperation has been channelled through UNICEF to support activities such as: the preparation of the draft code on childhood and adolescence; social mobilization for the introduction of the draft code; encouragement of the protection of children and formation of children's organizations; awareness-raising work with adults and children; and formation of the departmental committees for the promotion and protection of the rights of the child.

45. At a recent meeting in Tegucigalpa the Central American ombudsmen emphasized the need to develop national systems for protection of the rights of young children and adolescents by means of coordination and pooling of efforts by the institutions members of the Central American Council of Human Rights Procurators and implementation of joint comprehensive protection projects.

46. The ombudsmen also agreed to encourage the participation of persons and organizations from civil society in the formulation of standard-setting projects concerning the rights of children and adolescents and in the formulation of public policies to give effect to the rights in question, with a view to ensuring comprehensive protection and the best interests of children and adolescents and not merely providing assistance services.

47. The agreements set out in the report of this meeting also state that the harmonization of legislation with the Convention will be encouraged and monitored by means of institutional reorganization, training at all levels, introduction of the necessary mechanisms, and social promotion and mobilization.

2. Ministry of Foreign Affairs

48. The powers of this Ministry with respect to treaties are governed by the Political Constitution and by the Act concerning the Executive. It thus negotiates, concludes, extends, amends and denounces international treaties, pacts, conventions and agreements, and in this connection it is studying the conventions which develop in some respect the content of the Convention on the Rights of the Child and which, as laws of the Republic, are binding on the whole apparatus of government and on all citizens; these conventions are the following:

(a) Inter-American Convention on International Traffic in Minors (art. 9);

(b) Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (art. 21);

(c) Inter-American Convention on the International Return of Children (art. 3 and 2);

(d) Convention on the Civil Aspects of International Child Abduction (art. 3, 2, 9 and 11).

49. The Foreign Ministry is considering the advisability of Guatemala's becoming a party to these conventions in order to help to strengthen the legal framework, which envisages more rights and better living conditions for children; it plans to complete their formal processing during 1995.

3. Social Welfare Department of the Office of the President

50. This Department is another of the institutions underpinning the mechanisms for coordination of policies concerning children and for monitoring the application of the Convention, for it is responsible for administering the social welfare programmes established by the executive. It reports to the Office of the President and operates on a decentralized basis in the planning, implementation and evaluation of its programmes for protecting children and strengthening the family in Guatemala.

51. In accordance with the Convention, "social welfare" is understood as the right of all human beings, without distinction as to sex, race religion or belief, to the full enjoyment of their physical and mental faculties, their social relations and their spiritual development in conditions of freedom and dignity, economic security and equality of opportunity.

52. Hence it is the responsibility of the Social Welfare Department to take consistent action to strengthen the family and protect children within a framework of respect for the individual. It is also responsible for improving the coordination among all the public and private bodies providing social welfare services, as a mechanism which enhances sectoral planning.

53. The basic target population consists of orphans and children who have been abandoned or are exposed to social risks; the Department protects them against ill-treatment, neglect and exploitation and supervises the personnel responsible for such children and, where necessary, provides additional resources of every kind.

54. The Department is also responsible for promoting and carrying out integrated programmes, of both prevention and assistance, for persons with social problems; in addition, it acts as coordinator of social welfare policies, programmes and actions, ensuring proper organization of the administrative structure in order to guarantee the operational capacity; for these purposes it has a set of organic regulations.

55. The following are the Department's general policies:

(a) Human resources development. It is responsible for the planning, programming and use of human resources, which must be strictly tailored to the needs of the services provided by the Department. This entails coordination

among the various technical offices in order to ensure that best use is made of these services and that their operation is consistent with the Convention. The establishment of procedures for personnel selection, recruitment and training are desirable for these purposes;

(b) Increased cover. This policy is being promoted in connection with the best interests of the child; the aim is to expand the Department's services in order to cover the most vulnerable groups, which traditionally have not had access to the services. This expansion is being carried out in accordance with a strategy of primary care based on education for prevention of physical and mental ailments and social problems. The policy envisages the construction and remodelling of the Department's centres;

(c) Institutional development. This is a means of attaining the Department's targets and goals through a dynamic technical and administrative process which takes into account the integrated concept of organization, i.e. its environment, functional structure and organizational setting. Work is proceeding on the introduction and systematization of new care methodologies adapted to the needs of the recipients. A programme of monitoring and administrative and financial decentralization will be carried out;

(d) Community participation. The aim is to encourage the participation of the members of the various communities where the Department is represented, with a view to problem identification, decision making, and implementation of programmes and projects.

56. For the conduct of these activities the Department has four offices, wish the following main functions:

(a) Administrative Office

57. This Office is responsible for: planning, management and evaluation of administrative activities connected with care, maintenance, budgetary control, accounts and payments; support services, particularly with regard to the administration of personnel, transport, storage, security and workshops; purchase and supply of goods and services for the general operation of the administrative offices and units; and the control of the Department's economic and financial transactions.

(b) Office of Child and Family Welfare (BIF)

58. This Office is responsible for: programming, management, implementation and monitoring of the programmes, projects and services providing integrated care for poor children, orphans and abandoned children in day-care units and institutional and foster homes; services concerned with nutritional treatment, food supplements, family assistance and development; adoptions; and other services which will be established in the future.

59. It has 52 establishments: 48 social welfare centres providing assistance to 3,773 boys and 1,611 girls; and four residential homes housing 159 boys and 129 girls. Thirteen of these establishments are located in the metropolitan area and 39 in other departments and municipalities.

(c) Office of Treatment and Guidance for Children (TOM)

60. This Office is responsible for the comprehensive treatment of children exhibiting irregular behaviour and for the provision of assistance to boys and girls considered to be exposed to social risks, with a view to ensuring their proper development. It also runs programmes for young people designed to prevent behavioural problems. It caters for 516 boys and 3,924 girls referred by the courts; these children are placed in accordance with their individual needs in the following programmes and centres: diagnosis and location centre for boys; observation centre for boys; reeducation centre for boys; (juvenile school stage I (a schooling option for recidivist adolescents); observation centre for girls; and reeducation centre for girls.

61. The following reasons are cited for the admission of boys to the centres: acts against property - 40%; acts against health - 19%; acts against personal integrity - 14%; irregular behaviour - 9%; acts against the public order - 9%; acts against the safety of individuals - 6% and acts against sexual freedom - 3%.

62. The reasons for the admission of girls are: prostitution - 45%; acts against property - 20%; acts against health - 12%; irregular behaviour - 12%; acts against the public order - 5%; need for protection - 6%.

(d) Office of Special Educational Assistance (DAEE)

63. This Office is responsible for carrying out prevention and treatment programmes for mentally disabled children and assistance programmes for their families with a view to integration of the children in the country's productive life. It also carries out programmes for children with learning problems, for example awareness, prevention and early intervention campaigns, in coordination with hospitals and health centres. Training programmes are provided for the Office's personnel.

4. Social Cabinet and technical secretariat of the Action Plan for Social Development

64. For the purposes of the launching of the Action Plan for Social Development (PLADES), it was essential to create an institutional framework for implementation and monitoring of the Plan and for its eventual evaluation. With a view to such monitoring and evaluation, the Social Cabinet of the Government, consisting of the Ministries of Health, Education, Labour, Economy and Finance and the Secretariat-General of the National Economic Planning Council (SEGEPLAN) took on the responsibilities in question, with the support of a technical secretariat made up of representatives of the Government, the private business sector and non-governmental organizations.

65. PLADES will be evaluated by the institutions which participated in its formulation in terms of the attainment of the targets established for each area, on the basis of indicators identified in the Plan itself; the evaluations will be made periodically.

5. Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH)

66. This Presidential Commission was created by Government Agreement No. 486-91 of 12 July 1991 for the purpose of reorienting the Government's policies with regard to the protection and enjoyment of human rights, ensuring effective coordination of the action taken in this area by the various ministries and institutions of the executive, and guaranteeing appropriate cooperation and communication with the judiciary and the Office of the Human Rights Procurator.

67. COPREDEH is made up of the following officials: a chairman appointed by the President of the Republic, who represents the latter and presides over the Commission; the Ministers of Foreign Affairs, the Interior and National Defence; the head of the Public Prosecutor's Department; and the Coordinator of the Peace Commission. It has a secretariat which is responsible for policy coordination in the field of the human rights of the child.

6. Ministry of the Interior

68. In 1990 the National Police created a specific department for children's affairs which is awaiting legal approval. Through this Minors Department it has stipulated that the best interests of the child must be taken into account and prevail in police and court procedures. In order to give effect to this stipulation, the intention is to continue with the work of training and enhancing the awareness of all members of the police force.

7. Non-governmental sector

69. Non-governmental organizations are promoting changes in the approach to the care of children and providing technical and financial assistance for programmes and projects. This has marked the beginning of the organized participation of civil society through a broad range of activities.

70. According to the Directory of National Public and Private Institutions published by the National Action Committee for Children (CONANI), 164 non-governmental organizations, 25 public organizations and six joint organizations providing services for boys and girls were registered in 1991. The most important coordinating bodies include the Inter-Institutional Coordination Unit for the Rights of the Child (CIPRODENI), the Commission for the Convention on the Rights of the Child (PRODEN), and the National Action Committee itself.

71. It must be stressed that this arrangement offers better possibilities of integrated action by the three powers of the State and of the broad participation of civil society as a result of the adoption of the Convention which protects the rights of children in Guatemala.

C. Measures to publicize the principles and provisions of the Convention (art. 42)

72. Atention is drawn to the following measures planned by various State institutions to make adults and children more aware of the principles contained in the Convention.

73. The Ministry of Education, through the Office of Student Welfare and Special Education and its Department of Special Education, has planned and held information and awareness days for parents and teachers and has also produced three back-up documents on topics taken from the Convention:

(a) Ill-treatment of children;

(b) The reality of parenthood;

(c) Declaration on the Rights of the Child.

The actions described above have been fully implemented despite a shortage of funds for the production of the back-up materials.

74. For 1996 the plan is to hold education and awareness days for parents and teachers in the country's eight education regions, although a specific programme to provide training in the Convention for professional groups has not yet been formulated; such a programme must be regarded as a priority need. These actions will be supported by posters and information leaflets.

75. In addition, the Ministry of the Interior has carried out through the departmental governments of Guatemala a campaign entitled "Restoration of the Moral Values of the Family", which has two basic themes: (a) violence in the family; and (b) respect among family members. A television and radio campaign was devised for this purpose and it has been carried out with private sector support; the intention is that this type of action should be carried out on a permanent basis. A campaign was also conducted amongst children in 68 schools in the Department of Guatemala City.

76. The awareness of members of the National Police has been enhanced by means of training workshops on the rights of the child, and it is planned that the training and education of police personnel at various levels should continue on a permanent basis, including the training of extension workers to provide follow-up for these activities.

77. The Social Welfare Department of the Office of the President has carried out training measures to increase the awareness of the personnel who prepare the various programmes. For example, the Office of Treatment and Guidance for Children (TOM), with support from the European Community and UNICEF, has promoted a specific training programme on the rights of the child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty as the basic framework for the production of plans, programmes and projects concerned with the treatment of young people in conflict with the law.

78. In another area, the Social Welfare Department, through the "schools for parents", has been working on topics such as the ill-treatment of children, responsible parenthood, and the best interests of the child, as well as on specific subjects connected with the rights of physically and mentally disabled children. These programmes are carried out by the Office of Child and Family Welfare and and the Office of Special Educational Assistance; the plan is to

extend their cover: the mass communication media will be used for this purpose, and a project was designed and used as the basis for securing the necessary funds.

79. The Ministry of Labour and Social Security, pursuant to Ministerial Agreement No. 4-93 and working through the Unit for Protection of Child Workers, planned for 1990-1996 the establishment of a specific Unit for Protection of Girl Workers. The goal is to encourage observance of the labour rights contained in the Convention and promote the organization of workshops and seminars on the rights of the child.

80. Attention must be drawn to the problem of the shortage of technical staff to carry out the activities.

81. The measures implemented in 1990-1994 included the completion of the establishment of the Office. Thirty institutional seminars were held, together with seminars for children which were also attended by parents; this project was fully implemented. It reached 5,000 males and 2,000 females.

82. In addition, with UNICEF support a national mass-media campaign was designed and carried out, with the aim of disseminating information about the rights of the child. For 1996 the plan is to establish specific offices for the protection of children and adolescents in the country's eight regions. In order to promote the exercise of their rights, textbooks will be produced in the main Mayan languages of each region.

83. The Unit for Protection of Child Workers also planned for 1990-1996 the collection of statistical data on the social and economic situation of child workers. It designed a specific project, produced a report on the current situation of working children and their rights, and made an analysis of that situation; both measures were fully implemented. For 1996 it is envisaged that work will continue on a national study of highly vulnerable children working in the formal and informal sectors.

84. The Unit for Protection of Child Workers included in its plans the training of labour inspectors and other Ministry staff in the provisions of the Convention. It held four seminars, which were attended by 40 men and 10 women staff members. For 1996 these seminars will be continued in the rural regions.

85. The Ministry of Labour, through the Unit for Protection of Child Workers, planned a number of seminars for boy and girl workers from the formal and informal sectors. Fourteen seminars were held, in the capital and in Amatitlán and Bananera-Izabal. Two thousand boys and girls attended. A number of institutional seminars were also planned as means of publicizing the Convention. Four seminars were held for various professions: they were attended by 20 men and 80 women. For 1996 these activities will be continued in other locations in the capital.

86. As part of its strategies to publicize and ensure the application of the principles of the Convention, the Ministry of the Interior planned and conducted the following courses and workshops:

(a) On theories of comprehensive protection, designed for police chiefs and advisers;

(b) On problems of childhood and human rights, intended for police commissioners and departmental heads;

(c) On giving the services a more human face, intended for police personnel in general.

The intention is to make increased use of such workshops and courses as part of a plan for training the police in the rights of the child, which will facilitate the extension of the as yet limited cover.

87. This Ministry is also carrying out an education programme on democratic culture and human rights, with the following aims:

(a) To implement, in coordination with other institutions, a programme of information and education about protection of the rights of the child;

(b) To establish, in coordination with the University of San Carlos and specifically with the faculty of law, a team of 80 students to undertake extension work on the rights of the child;

(c) To provide training for departmental governors in the rights of the child, so that they may become the focal points of the information and education programme in their respective departments.

88. This programme has achieved the following successes:

(a) Twenty thousand copies of the Convention were printed, and 12,000 copies were distributed to libraries, detention centres, security organs, the teaching profession and universities, as well as to governmental, non-governmental and international organizations;

(b) The National Police, pursuant to article 60 of its Organic Law, held a course on the United Nations doctrine of comprehensive protection which was attended by police chiefs and advisers; however, this course reached few people, for lack of follow-up. Training in the human rights of women and children was provided for 120 women police officers. Training courses on human rights were held for 2,780 members of the National Police;

(c) Educational materials on the international protection of the rights of the child were produced and distributed to libraries, education establishments, the public relations office of the National Police, universities, governmental and non-governmental organizations, etc.;

(d) Fifty-eight courses on the human rights of women and children were held in the Departments of Chiquimula, Quetzaltenango, El Progreso, Sololá, Chimaltenango, Huehuetenango, Totonicapán, Sacatepéquez, El Quiché, Zacapa, and Guatemala City, with the cooperation throughout the country of infant teachers, APROFAM, UNICEF, PRODERE and the Dolores Bedoya Foundation;

(e) Fourteen articles were written about the Convention and published in the democratic culture and human rights section of the Diario Centro América (Official Gazette);

(f) An agreement on cooperation was concluded with the authorities of the Rafael Landivar University for the training of 20 university students in the last years of the law course who carried out the human rights training programme designed for the various units of the National Police and the Treasury Police (Guardia de Hacienda);

(g) The National Printing Press produced 20,000 copies of two volumes in the human rights series and, at the same time, with the assistance of PRODERE-United Nations, 20,000 posters on the rights of the child were designed and printed, together with 20,000 copies of a 14-page supplement on the rights of the child and 5,000 leaflets on the sexual abuse of children, intended for parents. All these publications were distributed to education centres, security forces and governmental and non-governmental organizations responsible for the protection of the human rights of women and children.

89. In 1992, within the framework of vocational training in the public sector, the Ministry of the Interior planned and conducted a "metropolitan meeting with non-governmental organizations" on the procedures for protection and promotion of human rights, which was attended by 200 participants.

90. This Ministry, through the Government of the Department of Guatemala City, also carried out in 1990-1996 the "Campaign for the Restoration of Family Values", which was limited to two topics: violence in the family, and the provisions of article 42.

91. With a view to providing training in the provisions of the Convention for professional groups working in this area, the Social Welfare Department has concluded cooperation agreements with the European Union, UNICEF, CONACI, the Office of the Human Rights Procurator, COPREDEH through the Standing Panel on Children, and the Unit for Protection of Child Workers. These cooperation agreements have led to the initiation of the process of education and training; for 1996 the intention is to strengthen and systematize the training both of technical and professional groups working in direct contact with beneficiaries and of persons responsible for administration.

92. Through the School of Legal Studies the judiciary has held the following workshops to encourage application of the principles of the Convention:

(a) Study and analysis of the Convention;

(b) Forensic medicine and offences against freedom of the individual and sexual offences;

(c) New techniques of artificial insemination and their legal implications for paternity;

(d) Communication with children;

(e) Introduction to juvenile law.

D. Collection of statistical data

93. The collection of statistical data on the situation of children has been encouraged in State institutions. Some progress has been made, although not all the institutions which collect information process, analyze and use it. In addition, they do not have suitable technical resources and in many cases have to use traditional methods and manual procedures of collection and tabulation.

94. The information currently available is dispersed, partial and sometimes inaccessible and unsuitable for use. Mention may be made of some institutions which have been making efforts in this area, for example:

(a) The Social Welfare Department maintains registers of the recipients of the services of the Office of Child and Family Welfare, the Office of Special Educational Assistance, and the Office of Treatment and Guidance of Children; from 1994, thanks to financial assistance from UNICEF, it has had a computer, which has been used initially for the statistical processing of the information provided on the "business" of its six training centres for young people in conflict with the law and its three regional youth support units. It is also to organize, as a means of improving its programmes, a system of information and continuous operational feedback for the analysis and monitoring of this report;

(b) The Unit for Protection of Child Workers of the Ministry of Labour is planning and will conduct a study of the situation of children working in the formal and informal sectors; a start will thus be made on the establishment of their profile, and this kind of work will have to be continued and consolidated by the recruitment of technical staff and the purchase of computer equipment;

(c) The Ministry of Education has a computer centre which is responsible for information collection and processing;

(d) The Ministry of Health has an information technology and programming unit which collects information on the morbidity and mortality aspects of the health of mothers and children. At present, this Ministry does not have a specific information system for monitoring and evaluating the health provisions of the Convention;

(e) SEGEPLAN is in the process of establishing, in conjunction with the German Technical Cooperation Association (GTZ), a national information system for project monitoring and evaluation (SINISEP) and, in conjunction with UNICEF, SEGEPLAN and GTZ are implementing a project on a social indicators system (SIS). In addition, SEGEPLAN has issued in conjunction with UNICEF a number of very important documents which are essential to the taking of decisions and planning of activities relating to children. These documents deal with:

(i) Guatemala's socio-economic situation;

(ii) Analysis of the situation of mothers and children;

(iii) Situation of children in particularly difficult circumstances (jointly with the National Action Committee for Children (CONANI));

(f) The National Statistical Institute, through its executing agencies (Division of Censuses and Surveys, Vital Statistics Section, Social Statistics Section, and Health Statistics Section) planned several surveys for the period 1990-1996, in addition to the 1994 national population census: surveys of births, marriages and deaths, school attendance, and gross and net schooling rates, as well as a survey of the causes of disease. The measures introduced in 1994 in this area included, in addition to the conduct of the national census, the permanent collection of statistics. The constraints include delays in data collection and shortage of personnel. The measures planned for 1996 include a survey of family income and expenditure and continuous statistical monitoring. (The education statistics are provided by the Sectoral Unit for Educational Research and Planning (USIPE).) The statistics are published by sex and 5-year age groups; equal treatment is afforded to both sexes. The National Statistical Institute produces statistics on urban and rural areas; there is no information on refugees and persons seeking asylum. The situation of the disabled was investigated in the 1994 national population census. The findings of this census will be available in the first quarter of 1995. The census also investigated the economic situation of children aged seven and above in order to provide a picture of under-age children who are working and information about the reasons for their failure to attend school;

(g) Through the Office for Coordination of Children's Programmes, COPREDEH is supporting the project entitled "National system for monitoring compliance with the Convention on the Rights of the Child", which will help to provide up-to-date, organized and coordinated information about the successes and difficulties and the attainment of targets in providing integrated services specifically for children. This national system will improve the sources of information and the information provided and thus facilitate measurement of the impact of the action taken and the formulation of programmes tailored to the real and deeply felt needs of Guatemala's children.

III. DEFINITION OF THE CHILD

A. Definition

95. Neither the Constitution nor the Minors Code contains a specific definition of the concept of "child"; generally speaking, in the country's laws and regulations this concept has been identified with the notion of juvenile or minor. As defined in the Minors Code contained in Congressional Decree No. 78-79, minors are persons under the age of 18 years.

B. Right to life

96. The legal basis of this right is to be found in the provisions on the protection of children contained in the 1985 Political Constitution, article 3 of which establishes the right to life. Pursuant to this right, the State guarantees and protects human life from the time of conception.

C. Immunity of minors from prosecution

97. Article 20 of the Political Constitution states that minors who break the law shall be immune from prosecution and that "their treatment must aim to give them a full education appropriate to their age".

D. Right to marriage

98. Articles 81, 82 and 83 of the Civil Code stipulate that males from the age of 16 and females from the age of 14 may contract marriage, provided that they have the permission of both their parents or of the person who exercises paternal authority or guardianship over them. If the parents disagree or the person entitled to give permission refuses to do so, authorization may be granted by a judge.

E. Right to education

99. With regard to education, article 74 of the Political Constitution states that all inhabitants have the right and obligation to receive initial, pre-primary, primary and basic education within the age limits established by law.

F. Protection and right to work

100. Article 102, paragraph 1, of the Political Constitution states, with regard to the minimum social rights established in the labour legislation that "minors under 14 years of age may not be employed in any kind of work, with certain exceptions provided by law" (art. 150 of the Labour Code).

101. The labour legislation specifies the exceptional cases in which minors may work: for example, on production of a permit issued by the General Labour Inspectorate when, by way of exception, a minor aged under 14 years may be authorized to work a six-hour day, and a minor over the age of 14 years may be authorized to work up to seven hours. For the purposes of such authorization it must be verified that the minor will work as an apprentice or because he or she needs to contribute to the family economy, and that the work in question is light in its duration and intensity and will not prejudice the physical, mental or moral health of the young worker, and that the requirements of his or her compulsory education are met in some way.

102. The Ministry of Labour and Social Security, bearing in mind that the Labour Code provides that minors who work may exercise of their own will their right to conclude their labour contract in person, has undertaken to help young people to complete the formalities for obtaining a work permit themselves and to ensure that their wages are used by them to meet their own needs, especially their education. A permanent information programme has been in operation, reaching 7,000 boys and 4,000 girls. The work of raising the awareness of young workers concerning their rights will be continued in 1996.

103. Through the Unit for Protection of Child Workers, the Ministry also planned the following measures for 1990-1996:

(a) Advice and guidance for minors who work, seeking 100% cover for the provision of daily advice and guidance to children and their family members, with emphasis on the minimum age of work and labour conditions. This service has helped 7,000 boys and 4,000 girls and their family members. The aim for 1996 is to extend it to the whole country and ensure that the laws are observed;

(b) The plan was to visit 100 enterprises a year. In 1996 it is intended that this work will be carried out on banana and other types of estate;

(c) Plans were also made for analysis of the various laws regulating the minimum age of work. Twenty seminars were held for this purpose to discuss the content of the Labour Code, ILO Convention No. 138, and Guatemala's Political Constitution. The plan for 1996 is to publicize the labour laws in rural areas.

104. As planned, activities were coordinated with various non-governmental organizations in order to afford minors who work access to education at weekends and enable them to complete the primary level. At present, the Office for Protection of Child Workers takes action to encourage children to continue their education, and they may be referred to the National Action Committee for Children (CONANI) which arranges weekend classes in alternative schools. It must be pointed out that, of the 330 children referred, only 80 are studying on Sundays; the others do not have sufficient interest. The aim for 1996 is to introduce a governmental policy to enable the Ministry of Education to establish an effective alternative method of study.

G. Recruitment to the armed forces

105. In accordance with tne provisions of article 135, paragraph (g), of the Political Constitution, which deals with compulsory military and social service, and article 68 of Congressional Decree No. 26-86, which contains the Constituent Law of the Army of Guatemala, only Guatemalans aged 18 years and over may be recruited to the armed forces, as and when necessary, and the recruitment of minors is prohibited.

IV. GENERAL PRINCIPLES OF THE RIGHTS OF THE CHILD

A. Non-discrimination (art. 2)

106. Article 4 of the Political Constitution establishes the freedom and equality of all human beings in dignity and in rights, their right to equality of opportunities and responsibilities, and their right not to have their dignity impaired; it also states that people must act in a fraternal manner towards each other. These rights are stated in general terms and therefore implicitly include minors.

107. At present, several institutions, including the Social Welfare Department, have been trying to introduce the concept of gender in all their plans, programmes and projects. One problem is the deep-rooted habit of using only the masculine gender in the language of such documents, a habit which has proved difficult to eradicate.

108. In August 1994 the Ministry of Education established the National Commission on Indigenous Educational and Cultural Policies and Strategies to elaborate policies and strategies to protect the indigenous cultural heritage, support inter-cultural bilingual education, and put out information about indigenous policies and strategies. It also appointed the Commission on Strengthening the National Education System with respect to Human Rights, which has the following goals: (a) to promote and support policies and strategies for the teaching and exercise of human rights in the education community; (b) to support the curriculum changes necessary for enhancing knowledge and experience of democracy and human rights; and (c) to improve the dissemination of information and documents on human rights.

109. Through the Education Office, the programme for girls (BEST-MINEDUC project) and the "Education for Girls" Association, it has introduced policies and strategies for the education of girls. Studies will also be made of the educational situation of girls. The measures carried out in 1990-1994 included the decentralized regional scholarship programme for indigenous girls in rural areas.

B. Best interests of the child (art. 3)

110. Where legislation is concerned, the greatest efforts are being made to comply with the provisions of article 2 of the Convention. Accordingly, the State of Guatemala has been discussing, in the spirit of this article, a new code on childhood and adolescence and the corresponding draft bill, with a view to ensuring in the near future that administrative bodies give absolute priority to the best interests of the child in all their activities.

111. Progress had also been made with the reorganization of the system in order to encourage the integrated treatment of minors exhibiting irregular conduct. Specifically, this means the reorganization of the Office of Treatment and Guidance for Children, a unit of the Social Welfare Department of the Office of the President.

C. Right to life, survival and development (art. 6)

112. Article 3 of the Political Constitution stipulates that the State shall guarantee and protect human life from the time of its conception. However, the implementation of specific policies has not produced the expected results, since Guatemala has high rates of morbidity, mortality and malnutrition among children owing to the lack of suitable and sufficient infrastructure caused by shortage of resources. In the section on health, reference is made to the action taken by the State to tackle this situation.

113. The Government of the Department of Guatemala City has organized a campaign against violence in the family, focusing on the recovery and emotional and psychological development of the children. The obstacles encountered include a general lack of support. It is expected that a telephone line will installed in 1996 for use by boys and girls. And suggestions boxes will be placed in various locations.

114. It is hoped that the "Beijing Rules" will be applied and publicized, together with the principle of respect for the views of children in all matters affecting their welfare and interests.

115. The Social Welfare Department promotes the welfare of children and their families by facilitating access to health, education and leisure services, including schools for parents and mother and child programmes, which have benefitted 25,000 users, and primary and preventive health care and occupational therapy services, with 18,000 beneficiaries.

116. The Ministry of Education, through the Department of School Meals and Nutrition, is carrying out a school meals and nutrition programme: school biscuits, milk, oats, sugar, kitchen and canteen utensils, school vegetable gardens and plant inputs, monitoring of height and weight, and training and supervision in the school canteens programme. Appropriate training is given to

teachers in the basic education cycle, which covers the pre-primary, first, second and third grades, and to the personnel of the supplementary education cycle - teachers in the fourth, fifth and sixth grades. This training concentrates on the use of the curriculum guides, with emphasis on human rights, environment, health, food and nutrition, and work.

D. Respect for the views of the child (art. 12)

117. It is acknowledged that very little progress has been made in legal and administrative matters.

118. When a minor is arrested by the police, he is informed that he has the right to remain silent and make his statement before a judge. This practice will be consolidated when the draft code on childhood and adolescence is adopted.

119. Attention must be drawn to the work done by various non-governmental organizations concerned with children and by the Commission for the Convention on the Rights of the Child, which have been endeavouring to give effect to the provisions of article 12. The views of children were sought during the discussion of some of the articles of the draft code. Their views were also sought about the action plan containing the targets for the Decade, which were subsequently included in the Action Plan for Social Development, Human Development, Childhood and Youth (PLADES).

V. CIVIL RIGHTS AND FREEDOMS

120. Following the process of democratization in Guatemala, and especially since the promulgation of the Political Constitution in 1985, the civil rights and liberties of Guatemalans have been reevaluated and placed on a sounder footing. The following sections describe only the legal bases of the regulatory framework of these rights.

A. Name and nationality (art. 7)

121. With regard to nationality, the Political Constitution states that persons born in the territory of the Republic are regarded as native Guatemalans, as are persons born on Guatemalan ships and aircraft and children born abroad of a Guatemalan father or mother, and it establishes as a right that no native Guatemalan may be deprived of his nationality.

122. With regard to personal identity, article 4 of the current Civil Code stipulates that all persons must be registered at birth by their parents or guardian or other authorized persons in the civil register of the district in which they live. All civil register offices issue birth certificates which authenticate the holders' registration and identification (art. 369-370 of the Civil Code). Children born abroad to Guatemalan parents must be registered at the nearest embassy or consulate. In rural areas midwives, rural health workers and the personnel of health centres help with the notification of births to the civil register offices. One of the functions of the Social Welfare Department is to ensure compliance with the registration regulations.

B. The preservation of identity (art. 8)

123. The State of Guatemala recognizes the right of individuals and communities to their cultural identity in accordance with their values, language and customs (art. 58 of the Political Constitution). Since Guatemala has many cultures and ethnic groups, the Political Constitution states that the State recognizes, respects and supports the ways of life, customs, traditions, forms of social organization, wearing of indigenous dress by men and women, and languages and dialects of the indigenous groups of Mayan descent, in accordance with its article 66.

124. With regard to what has been stated above, attention must be drawn to the action taken by the Ad Hoc Committee for Aid to Returnees (CEAR) in the cases of returnees who do not have their identity documents. Almost all the adults and all the children find themselves in this situation; 134 children were able to obtain identity documents through CEAR in the period from 15 January to 22 July 1992. Birth certificates were issued to persons who had no legal basis for their resettlement, but this problem was solved with the promulgation of Congressional Decree No. 70-91, which was specifically designed to facilitate the registration of returnees.

C. Freedom of expression (art. 13)

125. Article 57 of the Political Constitution states that everyone shall have the right to participate freely in the cultural and artistic life of the community and to benefit from the scientific and technological progress of the nation. In addition, article 63 stipulates that the State shall guarantee the right of creative expression and shall encourage Guatemalan scientists, intellectuals and artists and promote their training and professional and financial advancement.

126. Through the Unit for Protection of Child Workers, the Ministry of Labour planned and held seminars to increase the awareness of child workers of their right to freedom of expression. At the various seminars and at a forum organized by the children themselves, leaders were identified who could disseminate information about the labour rights of children. These events were attended by 100 boys and 80 girls. Similar forums are to be organized in 1996 for rural children.

D. Access to appropriate information (art. 17)

127. The fifth paragraph of article 35 of the Political Constitution establishes clearly that access to sources of information is free and that no authority may limit this right.

128. The Ministry of Education issued a document on human rights and the rights of the child. This publication is a teaching aid bulletin called "TUCAN" for pre-primary and primary schools; it was circulated to 10,965 schools, with the result that a large number of pupils improved their knowledge of the rights of the child. The Ministry has also organized 61 half-hour radio broadcasts, including such programmes as "Mathematics by radio - the family of numbers" and, in the Quekchi language, "Spanish - my second language" for the departments of

region II. Through the National System for Improvement of Human Resources and Curricula (SIMAC), the Ministry has made plans for the establishment of mini-libraries is 400 schools where SIMAC has a presence.

129. A programme for education in democratic culture and human rights was established in the Ministry of the Interior in order to create a social fabric which will improve the relations among the various segments of society and lay the basis for the modernization and strengthening of governmental organs and institutions by developing policies for the promotion and protection of human rights. Among these activities, priority has been given to education and promotion of the rights of the child.

130. The following measures have been carried out in this area:

(a) Publication of the Convention in poster format for distribution to schools and social and cultural centres;

(b) Publication of the Universal Declaration of Human Rights in poster format for distribution to schools and social and cultural centres, in order to ensure that the new generations are educated in a spirit of international understanding, friendship among peoples, and respect for human rights;

(c) Establishment of 10,000 libraries for the country's schools, with provision of the following works:

(i) What are human rights?

(ii) The United Nations and Human Rights

(iii) The International Bill of Human Rights

(iv) The Rights of Peoples

(v) Social Communication Media and Human Rights

(vi) International Human Rights Handbook

(vii) Interdisciplinary Human Rights Course

(viii) El Popol Vuh - slide version

(ix) El Popol Vuh - K'iché version;

(x) The International Protection of Human Rights (which contains the Convention on the Rights of the Child)

(xi) Theory of Human Duties. A summons to responsibility

(xii) The Rights of Women

(xiii) Indigenous Peoples and Human Rights

(xiv) My Little Country School (for teaching reading and writing with messages about the Convention encouraging belief in the United Nations).

131. The 1,000 members of the National Police who graduated in 1992 had received training in the Convention. This topic was in fact incorporated in the curriculum of the National Police School. This activity was conducted in conjunction with UNICEF and the Ministry of the Interior.

132. Specific courses and seminars were conducted on the rights of the child, for both teachers and students. The Convention is being translated into seven Mayan languages.

133. The conceptual framework of the work with children is based on the slogan of the programme "Let Us Prepare for Peace". All these activities were carried out in conjunction with the United Nations and were coordinated by one of its human rights experts.

134. The Social Welfare Department will use its house newspaper and public relations units to publicize the report and the advances made with respect to the Convention.

E. Freedom of thought, conscience and religion (art. 14)

135. Article 35 of the Political Constitution states that opinions may be freely expressed and disseminated by any means, without censorship or prior authorization.

136. Article 36 goes on to state that the practice of all religions is free and that everyone has the right to practice his religion or belief in public and in private, through instruction, worship and observance.

F. Freedom of association and of peaceful assembly (art. 15)

137. These freedoms are enshrined in articles 33 and 34 of the Political Constitution, which accords to all Guatemalans the right of peaceful and unarmed assembly. In this connection, institutions such as the Commission for the Convention on the Rights of the Child, institutional coordination units such as the National Action Committee for Children and the Inter-institutional Coordination Unit for the Rights of the Child (CIPRODENI), and private organizations working for the protection of the rights of the child have organized various cultural events in exercise of their right of public assembly, including the first national children's fair, candle-lit vigils, rights of the child marches, and murals illustrating the rights of the child painted by children.

138. The Ministry of Labour and Social Security, through the Unit for Protection of Child Workers, planned and held a number of discussion sessions and visits to various enterprises where boys or girls work, in order to advise them about their right to freedom of association in defence of their labour rights. Three thousand child workers were reached in this way. One problem was that enterprises were reluctant to admit these organizations. For 1996 the plan is to produce a programme on the formation of organizations of child workers in enterprises.

139. The Social Welfare Department, through the Office of Treatment and Guidance for Children, is encouraging self-management and positive leadership in prisons and detention centres.

140. The Ministry of Education has organized, in accordance with the National Education Act, grades councils in all the intermediate-level establishments in public education.

141. The Office of the Human Rights Procurator is encouraging the formation of children's organizations, under the auspices of the Commission for the Convention on the Rights of the Child, through its member institutions, especially the NGOs.

G. Protection of privacy (art. 16)

142. Articles 23 and 24 of the Political Constitution clearly establish the proper protection of this right. Article 23 states that the domicile is inviolable, while article 24 stipulates that the correspondence, documents and books of every person are also inviolable. In addition, article 24 guarantees the secrecy of correspondence and of telephonic, radio, telegraphic and other forms of communication made possible by modern technology.

143. Article 30 of the Minors Code stipulates that trials and other legal proceedings involving minors shall be conducted in private, and the information media are prohibited from publishing the name of the minors concerned or any information by which they could be identified.

144. The Social Welfare Department and its technical offices treat as confidential all information about the recipients of social security benefits and does everything it can to respect the privacy of children and their families.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

145. Article 20 of the Political Constitution states that minors who contravene the law may not be charged with an offence and that their treatment must aim to give them a full education appropriate to their age. This article goes on to state that minors whose conduct violates the criminal law shall be cared for in specialized institutions and by specialized personnel and that they may not on any ground be confined in a gaol or place of detention intended for adults. Article 60 of the current Minors Code develops these provisions by stipulating that minors may not be charged with a crime or misdemeanour and that their antisocial acts are to be regarded as disturbed behaviour requiring specialized treatment and not punishment.

146. Article 33 of the Minors Code states: "If a minor is arrested for any reason he must immediately be brought before a juvenile judge if the arrest is made during normal working hours, or otherwise before a justice of the peace. The judge will then hear the statements of the policeman who made the arrest and of the minor, and will decide whether he should be detained in an appropriate place or released. If the justice of the peace decides that the minor should be detained, he must refer the case at the earliest possible moment to a juvenile judge. In no case shall a minor be taken to a police barracks or station or to a detention centre intended for adults."

147. The Office of the Human Rights Procurator, through the Children's Ombudsman, has investigated complaints of the ill-treatment of children.

148. Since 1994 COPREDEH has been coordinating the work of and collaborating with the institutions directly concerned with juveniles in conflict with the law, with a view to pooling efforts and improving the treatment of juveniles as their cases are processed by the various institutions. Weekly meetings are held in order to clarify specific problems which can be solved without too much difficulty; in addition, a workshop on institutional treatment of adolescents alleged to be in conflict with the law was held in June 1994 in order to identify all the circumstances and difficulties encountered by the institutions in this area, in an attempt to establish the "critical path".

149. This workshop, which was sponsored by the Social Welfare Department and UNICEF, was attended by 37 delegates from the following governmental and non-governmental bodies:

- National Police;
- Juvenile Courts Coordinating Unit;
- Minors Department of the Office of the National Procurator-General;
- Social Welfare Department;
- Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH);
- Casa Alianza;
- CIPRODENI;
- "For Women Only";
- CEDIC;
- Institute of Comparative Criminal Studies.

150. One of the priority measures to be carried out by the Children's Ombudsman is the campaign against the ill-treatment of children. The main activities of this campaign include efforts to increase the knowledge and awareness of adults about their responsibilities with respect to children and the way in which children should be cared for; they are also informed about the legal consequences of causing harm to a minor. This campaign is also designed to teach children to recognize risk situations. Non-governmental organizations, in turn, have carried out awareness campaigns to reduce the incidence of acts which violate the rights of the child.

151. In addition, the Ministry of the Interior, through the public relations office, the school patrols programme and the Minors Unit of the National Police, has investigated the complaints made against the National Police pursuant to articles 2, 6 and 7 of its Organic Law. These investigations have been carried out in conjunction with the Office of the Human Rights Procurator, members of the judiciary and juvenile judges, NGOs, the Public Prosecutor's Department, COPREDEH through the Standing Panel on Children, and the Department for Expedition and Monitoring of Judicial Proceedings. The main constraints are the shortage of personnel, resources for travel, and means of transport in the National Police, even though its members have been instructed to give priority to complaints of ill-treatment. One of the most widespread difficulties with respect to the ill-treatment of children is the concealment of information by teachers and parents and other family members. The aim for 1996 is to place the follow-up of cases on a broader footing, expand training in this type of investigation, and promote coordination with support institutions.

152. The investigation of these cases is officially initiated following a complaint, or at the request of the Public Prosecutor's Department, or by order

of a judge; the findings are submitted to a judge for a final decision as to the action to be taken.

153. Some non-governmental organizations, for example Casa Alianza, have stated that there have been few judicial proceedings in cases of abuse of street children, and that even in these few cases it is difficult to obtain convictions and that often the arrest warrants against the alleged culprits are not enforced. In the period 1990-1994 alone Casa Alianza, acting on its own or in conjunction with the Office of the Children's Procurator of the Public Prosecutor's Department, has initiated criminal proceedings in 188 cases involving a total of 282 accused persons.

154. The Ministry of the Interior is endeavouring to promote and support all activities designed to reduce human rights problems, in particular problems relating to the rights of the child. For example, pursuant to Congressional Decree No. 27-90 of 15 May 1990, the Ministry decided inter alia to give immediate approval to the ministerial agreement containing the draft legislation for creation of the special Minors Department in the National Police and the training programme for police officers in children's affairs. This meant that the existing Minors Unit would immediately be converted into the Minors Department mentioned above.

155. This Minors Department is designed to meet the need to protect and care for children under the age of 18 as full subjects of rights and obligations and it consists essentially of the following units:

(a) Investigations and operations;

(b) Prevention; and

(c) Services and support.

As already pointed out, it includes the programme of training in children's affairs and a human rights education, promotion and training unit.

156. The Office of Treatment and Guidance for Children (TOM) of the Social Welfare Department is trying to ensure that services are based on the principles of the Convention. For this purpose the intention is to introduce regulations and standards based on the Convention and to use new methods to provide training for all the Office's personnel. The Office also investigates complaints of the ill-treatment of children receiving attention under the various programmes.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

157. With regard to protection of the family, article 47 of the Political Constitution stipulates that the State shall guarantee the social, economic and juridical protection of the family and shall promote the organization of the family on the legal basis of matrimony, equality of rights of the spouses, responsible parenthood and the right of persons freely to decide the number and spacing of their children.

B. Parental responsibilities (art. 18, paras. 1-2)

158. Article 50 of the Political Constitution states in this connection that all children are equal before the law and have the same rights; therefore, any discrimination is punishable. The State has endeavoured to introduce various programmes in discharge of these responsibilities, thus complying with the provisions of article 18, paragraph 2, of the Convention.

159. One measure which has had a very great impact is the community day-care units programme. It was established and promoted by the Office of Social Works of the wife of the President (SOSEP) in 1991 in an endeavour to improve the situation of children aged under seven and working mothers in extremely poor communities and as a concrete response to the commitments undertaken by the Government of Guatemala in the Declaration and Plan of Action of the World Summit for Children. The programme is a joint undertaking of the Government and the community. The Government provides all the inputs to enable the community to run the programme. The community operates, administers and supervises the programme. Training is provided for women of the community to equip them to provide day care in their homes for 10 children, for 10 to 12 hours a day from Monday to Friday; they provide general care, meals, preventive health care, mental development activities, and civic and moral education and training. The units are visited every week by a team of instructors consisting of a doctor, a psychologist, a social worker and a teacher, who evaluate the operation and provide instruction for the women in areas requiring improvement. Records are also kept of the weight, height and mental development of each child in order to assess the effect of the day-care unit on his or her growth and development.

160. The following important factors must be born in mind:

(a) Community workers and organizations must support the activities of these units and their extension to other areas such as the training of parents to continue the mental development activities, the prevention of gastro-intestinal and respiratory diseases, and the encouragement of the positive behaviour which the children learn in the community unit.

(b) The participation of the whole community is necessary in support of the leisure activities and the care and attention provided for the children.

161. Up to 1994 this programme benefitted 14,360 children, most of them in the one to four age group; it has had a positive impact on psychological and nutritional development and recovery. It has also led to improvements in the housing of recipient families in various communities. The estimated cover at the end of 1994 was 1,436 households in a total of 464 communities, with a presence in 87 townships and 21 departments. Both young people and adults are involved in the activities for children.

162. The Committee on National Reconstruction, which operated under the auspices of the Office of the President before being closed down in 1994, carried out a public canteens programme. This programme was part of the food aid project and had three components:

(a) School meals;

(b) Mother and child care; and

(c) Public canteens.

163. On the basis of an agreement between the Government of Guatemala and the World Food Programme, the public canteens programme was introduced in 1987 in order to improve the diet of Guatemalan children. The first canteens were opened as a pilot project in the Department of Jutiapa in the east of the country, with satisfactory results; these results were submitted to the World Food Programme, which approved the programme's expansion. For this purpose it donated 30,000 daily food rations providing each recipient with 60% of the daily nutritional requirement, as a food supplement, for three years.

164. In June 1988 public canteens were officially opened in 75 selected locations in 22 departments, including Triángulo Ixil and Playa Grande in El Quiché. Initially, each canteen catered for a maximum of 100 and minimum of 40 children aged 6 months to 14 years presenting serious malnutrition and/or insufficient weight gain. The capacity was increased to a maximum of 250 children, with a minimum of 50.

165. The canteens were organized by mothers' clubs, which were responsible for management and the preparation and daily distribution of the midday meal. The canteens were operated in schools, community halls, churches, hospital wards, kitchens and in some cases in proper dining halls built by the community. Some of the canteens also enjoyed administrative support from non-governmental organizations, and in other cases economic support from town halls.

166. The Committee on National Reconstruction provided the logistical support which made it possible for the canteens to operate on a continuous basis:

(a) Procurement of food;

(b) Storage;

(c) Transport and distribution to the departmental capitals and other townships and/or to the canteen locations; and

(d) Planning, coordination, supervision, guidance and evaluation.

The 22 departments of the Republic had 236 public canteens, catering for a total of 34,718 children.

C. Separation from parents (art. 9)

167. Action to combat the causes of family breakdown is dealt with in article 56 of the Political Constitution, which declares such action to be in the interests of society, together with action to combat alcoholism, drug addiction and other causes of family breakdown. The State has to take appropriate measures of prevention, treatment and rehabilitation to make such action effective for the well-being of the individual, the family and society. Article 51 provides that the State shall protect the physical, mental and moral health of minors and guarantee their right to food, health, education, security and social welfare.

168. Various non-governmental organizations run specific programmes on mental health, family unity and schools for parents. The day-care centres in Guatemala City also operate this kind of programme.

D. Family reunification (art. 10)

169. The State guarantees the social, economic and legal protection of the family, matters covered in articles 47 to 56 of the Political Constitution.

E. Recovery of maintenance for the child (art. 27, para. 4)

170. Article 278 of the Civil Code defines the concept of maintenance as including everything essential for the support, shelter, clothing, medical assistance, education and instruction of minors who are in receipt of maintenance; these matters are regulated by the family courts.

F. Children deprived of a family environment (art. 20)

171. The legal framework is provided by article 54 of the Political Constitution, which recognizes and protects adoption and declares the protection of orphan children and or abandoned children to be in the national interest.

172. The Ministry of Health and Social Welfare, through its Department of Mental Health, has been furnishing support and technical advice to organizations working directly with institutionalized children, such as the Social Welfare Department and a number of NGOs.

173. The Social Welfare Department provides integrated services for children from birth up to the age of 18 years. It operates residential programmes for this purpose. It also has a foster-homes programme which offers a different kind of care. This programme has not been developed at all owing to the lack of fluidity in the revolving fund. Through its technical offices the Department provides training and education in the various aspects of the Convention for the technical and professional staff working in these programmes.

G. Adoption (art. 21)

174. As indicated in the previous paragraph, article 54 of the Political Constitution provides that the State recognizes and protects adoption; it also provides that an adopted person shall acquire the status of a child of the person adopting him.

175. The executive has presented a bill on the adoption process. This bill brings together in a single text both the substantive regulations and the procedural rules on adoption. The text makes distinctions between each of the regulations and rules promulgated earlier, in order to avoid the technical contradictions which occur when substantive regulations and procedural rules are treated indiscriminately, as is currently the case in the Civil Code. This bill is a result of the review and analysis of the texts submitted earlier to the Congress.

176. The Social Welfare Department, through the Office of Child and Family Welfare (BIF), operates an adoption programme in accordance with the country's current legislation and it supports the proposed new adoption act.

H. Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)

177. In accordance with article 3 of the Political Constitution, the State guarantees and protects human life from the time of conception, as well as the integrity and security of the person. In terms of concrete action, the Office of the Human Rights Procurator, through its Department of Education and Promotion, has been carrying out a series of information campaigns on the rights of the child and on prevention of ill-treatment of children. Once again attention is drawn to the establishment of the office of Children's Ombudsman, which has facilitated the control of the problems described in this section.

178. In the case of refugee children, as part of the repatriation process they are provided with primary care during their stay in the Repatriation Centre, where a mental health programme has also been organized.

179. Acting in response to an initiative by the Commission on Indigenous Communities, the Congress adopted an Act on assistance for widows and child orphans, victims of the violence in the country. The basic objective is to provide services for widows and child orphans who lack sufficient means of subsistence and are not being helped by other assistance programmes of the same type, or need additional assistance from programmes designed to ensure their integrated development.

180. In its national mental health and mother and child programmes the Ministry of Health provides psychological guidance for parents in order to protect children against physical abuse and ill-treatment; it also operates mental health programmes for adolescents and carries out field investigations.

181. The Ministry of Education, acting through SIMAC, has introduced in its programmes a component of preventive education against alcoholism and drug-addiction; it has also been coordinating activities with the National Council on Alcoholism and Drug Addiction.

182. The Office of the Human Rights Procurator has been carrying out an education programme on prevention of child abuse and treatment of victims and it has established the National Commission against Child Abuse, which is made up of governmental and non-governmental organizations. It also intervenes in cases of ill-treatment of children in the following ways: (a) it processes the complaint (made in person, in writing or by telephone); (b) it immediately investigates the facts; (c) if the truth of the facts is established, the Office opens a file in which it records the action which the case warrants; (d) if it is established during the investigation that child is at high risk, action is immediately taken in conjunction with the Juvenile Courts Coordinating Unit to provide measures of protection; (e) the case is referred to a juvenile court for a judicial decision; (f) the case is monitored until the court hands down a final decision.

VII. BASIC HEALTH AND WELFARE

A. Implementation of article 24 of the Convention

183. The health issues raised in article 24 of the Convention are dealt with from the legal standpoint in articles 93 to 100 of the Political Constitution.

Article 94 stipulates the obligation of the State to attend to matters of health and social welfare and, pursuant to article 3, the State must guarantee and protect human life from the time of conception, thus guaranteeing the right to life. This amounts to a commitment by the State to promote, through its institutions, the health of the Guatemalan people. Where children are concerned, this action is taken through the mother and child health programmes on the basis of policies which have been given effect, from 1988 until the present, by means of national plans for the survival of children based on the Health Code.

B. Survival and development (art. 6, para. 2)

184. In Guatemala 54 out of every 1,000 children die in the first year of life, including 14.2 in the first four weeks. Despite the current under-registration of deaths, these figures are above the average for Latin America and an ocean apart from the target set for attainment by 2000. However, these national figures do not reflect the fact that in the urban areas of Guatemala the mortality rate is below 10 per 1,000 while in rural areas, such as Triángulo Ixil, it is in excess of 120 per 1,000. This shows that the rate is higher among the indigenous population and among extremely poor people. There is also a clear inverse relation between the level of education of mothers and the incidence of child mortality.

185. Two out of every five deaths in Guatemala are of children under the age of five, and in more than half these cases death is due to avoidable causes (diarrhoea - 30.6%; acute respiratory infections - 22.8%; perinatal problems - 19.5%; malnutrition 3.4%; and diseases preventable by immunization - 1.3%. Several studies have shown that children under the age of five have, on average, 10 episodes of diarrhoea a year.

186. Perinatal care specialists report that 78% of confinements take place in the home; 35% are attended by midwives trained by the health services and 38% by traditional midwives; and 22% of confinements take place in an institution. Of this 22%, 13% relates to the services provided by the Ministry of Health, 6% to the Guatemalan Social Security Institute, and 3% to the "casas de salud". Efforts are being made to increase the number of high-risk pregnancies taken by hospitals and to improve their capacity to deal with complications. Efforts are also being made to establish local units or centres for low-risk confinements.

187. Two out of every five children of preschool age are undernourished, and six out of every 10 nursing mothers suffer from nutritional anaemia. The malnutrition rates among children under the age of five are 33.5% for weight deficit and 57.8% for weight and height deficit. A recent study describes the difficulties of food supply and of people's access to various foodstuffs, particularly in rural areas.

188. The Ministry of Education, acting through SIMAC, has included a health training component in the CEF curriculum guides.

189. The Social Welfare Department, through the Office of Treatment and Guidance for Children, planned to design, implement and introduce on a broad basis, beginning in October 1994, a permanent programme on the prevention of drug use for adolescents living in institutions.

190. As pointed out earlier, the Mother and Child Programme operates throughout the country, with the support of the World Food Programme, and caters to 25,000 recipients. It provides nutritional recovery services and breast-feeding advice in 48 social welfare centres; it also carries out vaccination and disease-prevention campaigns which have reached 5,116 people.

191. In addition, the National Police, in accordance with its Organic Law, is responsible for ensuring the security of persons and their property, maintaining the public order, and preventing and investigating crimes. By performing these functions it guarantees the observance and exercise of the human rights of the people, including children.

192. The measures envisaged in its planning exercises in this area for 1990-1994, included discussion meetings with groups which are targets of crime in communities and training activities for the prevention of drug-addiction.

193. The following constraints have been reported: lack of continuity of the programmes owing to the frequent personnel changes in the upper echelons of the force; and the shortage of human resources and logistical support. It is intended that these difficulties will be solved in coming years and that the activities described above will be pursued.

1. Food and nutrition

194. This area is regarded as multisectoral. The health sector is responsible for provision of nutritional education and recovery services and for specialized treatment. It is also responsible for monitoring of foodstuffs. The following information is based on the nutritional survey carried out in 1986 (INCAP-SEGEPLAN).

(a) Chronic calorie deficiency

195. The only nation-wide information available to date on the amounts of calories and proteins in the people's diet was provided by the nutritional evaluation of Guatemala carried out in 1965-1966 (a consumption survey is currently being carried out at the national level, and data are available up to February or March 1992). The 1965-1966 survey showed that the average intake of calories of the surveyed population provided 100% of the recommended amounts and that the intake of protein was also adequate. However, when the findings were broken down by socio-economic situation it was found that the families with the lowest intake were receiving less than 86% of their calorie requirements; and 27% of these families were not consuming sufficient protein. It emerged that the rural areas were the most seriously affected, with 42% of families having low calorie intake, while the figure for urban areas was 30%. Other surveys carried out in 1975-1977, in which information was collected at the village level, produced similar data to those of the 1965-1966 survey, with 84% of the surveyed population having an adequate intake; even though the survey populations were not fully comparable, it is clear that the situation had not changed in 10 years.

196. The 1979-1981 national survey of income and expenditure showed that the apparent calorie intake in the metropolitan region was low, for 25% of families in the central urban area were consuming less than the daily requirement; in other urban areas the figure was 50%, and in rural areas 36%; this situation may

now have become even more serious as a result of the country's economic decline. A fairly precarious balance was found in 38% of the metropolitan area, 34% of other urban areas, and 44% of rural areas.

(b) Protein-calorie malnutrition in Guatemala

197. The existing information for the whole country and the information provided by specific studies indicates an extremely serious problem of malnutrition apparent in the deterioration in the nutritional state of children under the age of five, who constitute one of the most vulnerable groups by reason of their fast growth-rate, high level of dependency and high risk of illness. Within this category, the 3-36 months age group has been declared to be at greater risk because it shows the highest malnutrition rate among children under the age of five.

198. The application of the NCHS standard to the anthropometric data provided by the 1965-1966 survey shows that 24.6% of children under the age of 60 months presented malnutrition ranging from severe to moderate, with 49.9% classified as slightly undernourished, according to the weigh/age indicator; 15.4% of the children surveyed presented a deficit of over 10% in their weight/height ratio, and 15.4% a deficit in their height/age ratio, with the failure point set at 90%.

199. Monitoring of the nutritional deficit in the following decades, on the basis of the same indicators and the same anthropometric standard, shows that the total deficit in the moderate and severe categories, measured by the weight/age indicator, increased in 1976 to 36.8% and declined in 1978 to 29.2%. More recent information from the Ministry of Health concerning children aged 3-36 months in 1986 living in benchmark locations showed that 33.6% were classified as moderate or severe, indicating that there had been no substantial changes in the malnutrition problem. In 1990 the Ministry of Health found that, of over 90,000 children assessed in eight health areas, 38.5% of children under the age of five suffered moderate or severe malnutrition, suggesting a worsening of the overall situation.

200. The rate of severe nutritional deficit measured by the weight/height indicator was almost identical in 1976, at 32%, declining to 22.1% in 1978, with the failure rate still set at 90% for children aged under five. From 1988 the weight/age ratio of children under five was monitored under the nutritional monitoring subsystem in eight of the country's health areas; a rising trend was observed, with 41.25% of children aged under five having a weight/height ratio below 90% in August 1991.

201. In short, the nutritional assessment of children under five in Guatemala in the last three decades shows a deterioration in the situation, with extremely alarming features such as the rising trend of severe deficit; given the global chronic deficit, with height deficits not compensated by sufficient weight to produce figures above the 90% level, this situation will probably persist, but with a slower rate of increase; however, this is a very approximate indicator of the increase in the nutritional shortfall due to acute economic hardship, for the latest report of the National Statistical Institute, entitled "Profile of Poverty in Guatemala", classifies 59% of the population as extremely poor.

(c) Nutritional state of schoolchildren

202. The results of the first national census of the height of children in the first grade of primary education, conducted in 1986 by the Sectoral Unit for Educational Research and Planning (USIPE) and the Institute of Nutrition of Central America and Panama (INCAP) showed a height deficit of 37.4% (206,014 children between the ages of six and nine, representing 70.4% of the total), with 8.4% showing severe and 29% moderate malnutrition; the situation is therefore worrying. The departments of highest nutritional risk are in the north-west region of the country: Sololá, Totonicapán, El Quiché, Huehuetenango and Chimaltenango.

203. The distribution of malnutrition in the country differs from department to department: Guatemala City, Zacapa and Jutiapa have the lowest rates of height deficit, with 20.3%, 24.1% and 24.8% respectively, while departments such as Sololá, Totonicapán and El Quiché have the highest rates: 64.6%, 60.9% and 52.9% respectively. The distance between the extremes illustrates the broad range of variation between departments: the lowest rate was 20.3% and the highest 64.6%. It was found that boys were more severely affected than girls.

204. An evaluation of the nutritional state of schoolchildren conducted in 1990 by INCAP and the Ministry of Education in benchmark schools in the Department of Quetzaltenango (16 schools with 2,104 pupils) found that 9.9% of the children suffered from severe malnutrition, with girls more severely affected than boys (12.3% and 7.5% respectively) and rural areas more severely affected than urban areas (11.3% and 8.5% respectively).

205. Although this population has survived a nutritional deficit at the most vulnerable stages of development, high rates of weight deficit are still observed. Weight and height deficits are due to the following factors:

(a) Problems of the supply and consumption of food;

(b) Inefficient metabolism of food owing to general poor health;

(c) The people's poor standard of food and nutrition education.

206. A breakdown of the information by town shows a greater variation than in the departments, with the rates ranging from 10% to 92%.

(d) Low birth-weight

207. The data available since 1964 indicate a high proportion of children weighing 2,500 grammes or less at birth, owing mainly to nutritional deficiencies in the womb. A study carried out by the Mother and Child Division in 1965 in the departmental maternity clinics found that, out of 1,235 cases, 15.9% of the children had weighed 2,500 grammes or less at birth. More recent information from 1985 from the Roosevelt Hospital confirms the 1975 figure, with 15% of the children underweight at birth. In that same year the figure was 9% in the high-risk unit of the IGSS Obstetrics Hospital. There were some differences between the population cared for in the two hospitals: the women in the IGSS hospital were wage-earners or the wives of wage-earners from urban areas, whereas the national hospitals cater for women from various economic groups in rural areas in the interior departments of the country.

208. It must be also pointed out that hospitals account for 22% of all confinements in the country, while the other 78% are attended by traditional midwives or other persons and that the women cared for in hospital constitute a privileged group since they usually live in less isolated rural areas or in urban areas and make regular use of the health services.

209. The proportion of children with low birth-weight is probably higher in the case of mothers who give birth at home, as was demonstrated by a linear INCAP study from 1964 to 1972 in a predominantly indigenous population; it found that 41.7% of children were underweight at birth; this is a very high figure but it may be assumed to be representative of other parts of the country, where no changes have occurred in the figures because there have been no changes in the care provided.

210. With respect to micronutrients deficiency, it has been found that the main problems are lack of iron (90% of cases of anaemia) and vitamin A in the diet. INCAP studies in four departments in 1987 showed that 24% of the children examined presented low levels of retinol, iodine (with a 22% incidence of goitre among schoolchildren) and fluoride. Guatemalans suffer from diseases of the mouth which affect their ability to chew and swallow, with all the associated physical and mental repercussions on their health. This is a problem of nutrition in general; the latest information from the Ministry of Public Health and Social Welfare showed that the population's average CPOT is 7, and that 63% of the population examined presented some degree of dental caries.

211. The nutritional state of Guatemalans is linked to the model of development pursued up to the time when the interests of the rural areas were subordinated to those of the urban areas, with the consequent large-scale migration to the towns where, mainly in recent years, the capacity to absorb this labour force has been notoriously inadequate, with the result that the migrants swelled the so-called informal sector. It should be pointed out that owing to the low levels of output and productivity of most of this sector, the average monthly income of half of the people employed in it ranges between 300 and 500 quetzales, and that half of the workers in small enterprises are paid less than the minimum wage.

2. Immunization

212. In 1992 the vaccination cover ranged from 57.1% for BCG to 70% for poliomyelitis. It is estimated that these figures will rise in 1993 to between 80% and 90% for measles, DPT and poliomyelitis. It is essential to maintain these rates and increase tetanus toxoid vaccination of women of child-bearing age (the present rate of cover is about 15%) as one of the most important means of meeting the commitment to eradicate neonatal tetanus.

3. Health of mothers

213. The maternal mortality rate is 248 per 100,000 live births, 40 times higher than in other countries of the region. The main causes of maternal mortality are haemorrhages (39%), complications following abortion (24%), septicaemia (18%), and toxaemia (14%). Together with breast cancer and cervical cancer, these are the most common causes of death and disease in women and are associated with their sex, thus constituting additional risks for the rest of the population.

214. The overall fertility rate is 5.6 children per woman; 44% of women have their first child before the age of 20, and it is estimated that 20% of beds in obsterics hospitals are occupied by cases of abortion and complications of abortion.

215. With regard to family planning, the Ministry of Health has introduced advisory services on the spacing of pregnancies and the use of available means of ensuring reproductive health; these services are for females of child-bearing age, i.e. between 15 and 49 years old, and for males from adolescence. The constraints are the difficulty of access to these services, cultural habits and religious beliefs.

4. Antenatal care

216. In 1992 the antenatal care services covered 38% of the approximately 360,000 births. Twenty per cent of the care was provided in institutions, and the rest by midwives, only 34% of whom were qualified.

5. Health of the general population

217. According to the information unit of the Department of Health, in 1990 the main causes of death among the general population were infectious intestinal diseases (0.68), diseases of the respiratory system (0.61), nutritional deficits (0.58), murder, bodily harm caused deliberately by another person, and other forms of violence (0.57), and pulmonary circulation diseases and other forms of heart disease (0.28). The main diseases subject to mandatory notification were acute respiratory infections (55%), acute diarrhoeic syndrome (30%), malnutrition (6%), dengue (2%), measles (1%) and tuberculosis (1%).

218. AIDS has been present in the country since June 1984, with a cumulative total of 885 cases (451 asymptomatic HIV-positive and 434 AIDS) up to July 1993.

C. Disabled children (art. 23)

219. In accordance with the obligation set out in article 23 of the Convention, the State of Guatemala recognizes its responsibility for guaranteeing the protection and development of its inhabitants. Article 53 of the Political Constitution states with respect to disabled persons that the State shall guarantee their protection and the protection of persons suffering from physical, mental or sensorial impairment. The provision of medical and social care for such persons, as well as the promotion of policies and services for their rehabilitation and full integration in society are declared to be in the national interest. It is further provided that the State has an obligation to see to the legal regulation of these matters and create the necessary technical and executive bodies.

220. On this basis, and in view of the fact that Guatemala has about 900,000 disabled persons, more than a third of whom are aged 19 years and under, Agreement No. 179-83 created the National Commission on Services for the Disabled (CONACI), a body responsible for promoting, coordinating, implementing and evaluating programmes, projects and activities for the disabled, taking a multisectoral and multidisciplinary approach and with the support of related

institutions in this sector. A general coordinator will be appointed in accordance with Ministerial Decree SP-M-11-86 of the Ministry of Health and Social Welfare.

221. On the initiative of the Association for Training and Technical Assistance in Education for the Disabled, attention was given to the need to formulate policies and strategies concerning services for the disabled on the basis of a multisectoral and multidisciplinary approach. These efforts enjoyed the technical and financial support of UNICEF in Guatemala and of the office of the Pan-American Health Organization (PAHO/WHO), and they were pursued in coordination with the Secretariat-General of the National Economic Planning Council (SEGEPLAN).

222. The policies for provision of services for the disabled formulated jointly by the bodies mentioned above cover the following areas:

(a) The role of the State;

(b) Social mobilization and participation;

(c) Access to and quality of services;

(d) Community self-management of services;

(e) Scientific knowledge and technological innovations;

(f) Participation of the disabled.

The sector's policies are set out in a document entitled "Development policies for the provision of services for the disabled: a multisectoral and multidisciplinary approach".

223. The institutional infrastructure for the disabled is made up of governmental, non-governmental and quasi-autonomous institutions, which receive State and private support for the various types of service provided; a total of 98 institutions is involved. Furthermore, the Office of Special Educational Assistance (DAEE), a unit of the Social Welfare Department of the Office of the President, is responsible for carrying out prevention and treatment programmes for mentally disabled minors who are unable to work; these programmes include the following activities:

Research

224. Children who are at risk or have existing problems which may cause disturbed behaviour are identified by diagnostic procedures carried out in hospitals and health centres, in the community in the metropolitan area, and in the interior of the country, specifically in Huehuetenango, Quetzaltenango and Zacapa; these procedures are also carried out at the headquarters of the Office of Special Educational Assistance, through the programme of population registration and monitoring, in the case of minors referred by schools or private clinics or at the request of their family. The following numbers of minors have been identified: 1990 - 675; 1991 - 1,864; and 1992 - 1,414.

225. As part of the preventive work, a pilot research operation designed to identify problems of mental development in children aged four to seven years was carried out in 1991 in a pre-primary school. It was found that fine motor skills and cognitive skills were the least developed in this population. The education programmes were using a predominantly academic approach which gave little attention to the basic learning functions. A population of 303 children was assessed. The results of this pilot study made such an impact that a similar study was undertaken in schools in the marginal areas of Guatemala City and in some departments.

226. The Office of Special Educational Assistance cares for children with mental disability by developing appropriate educational models, while taking action at the same time to prevent any greater incidence of this problem in Guatemala. The activities are designed for the primary, secondary and tertiary levels.

Prevention

227. A programme of preventive education is carried out at the community level in order to educate the community and make it more aware of the risk factors, with a view to limiting the incidence of mental disability in the country; this programme includes continuous education activities in the social communication media, cultural and educational institutions, and organized community groups.

Detection and early intervention

228. The early-intervention programme is targeted at children up to five years old who are at risk or have existing problems, in coordination with the health, education and community sectors, with a view to improving the children's prospects of integration in the family, society and employment and reducing the number of problems found among individuals and in the family and society.

Treatment

229. There is a special education programme consisting of five stages, operated simultaneously, to which the people have access depending on the seriousness of the individual problem and the spontaneous manifestation of individual initiative; the programme is intended for mentally disabled children aged 5 to 18 years, and the aim is to secure their integration in the family, society and employment.

230. The family development programme is designed as a back-up for the programmes of early intervention and special intervention, with a view to providing children with a positive family environment for their human development by improving the capacity for collaboration and self-management of the parents and other members of the household. There is also a residential institution for orphans and abandoned children presenting severe and profound mental disability accompanied by personality disorders; the aim is to provide protection and social guidance.

231. The Social Welfare Department has the following establishments providing this kind of service: Alida España Morning and Evening Centre; Vocational Training Centre; and Centre for Experimental Educational Psychiatry.

232. The Ministry of Education is planning to establish 50 posts in special education for the whole country as well as programmes for children with learning problems and for psychological treatment in special cases. The Office of Student Welfare and Special Education has been participating in the National Council on Services for Disabled Children. One limiting factor is the lack of a governmental agreement to serve as the legal basis.

D. Health and health services (art. 24)

233. The Ministry of Health and Social Welfare has introduced seven main policies; the policies on expanded cover, food supply, and improvement of the family environment contain the greatest number of measures for improvement of the health of children. A description of these policies now follows:

1. Expanded cover

234. The aim is to facilitate the access of poor people to the health services, especially maternal and child health services, on the basis of clearly defined targets.

235. The Ministry of Health assigns 25% of its health services budget to preventive care and the other 75% to curative care; it hopes that it will prove possible to reverse these percentages in the future.

2. Cover of the health services

236. The Ministry has 37 hospitals, 32 health centres of type A and 188 of type B, and 785 health posts. Of these, only the Elisa Martínez Hospital in Izabal and the Hospital of Infectious Diseases and Rehabilitation in Guatemala City are designated specifically for children. However, 33 hospitals have paediatrics departments, and the rest of the services do provide care for children. There are also 13 nutritional education and rehabilitation units, of which nine are actually operating.

237. The health programmes employ more than 10,000 rural health workers and 14,000 midwives providing primary health care.

238. All health posts have a capacity to treat 25 children on an out-patient basis and they have the support of the health centre doctor. The treatment capacity is 1,000 children a year. However, owing to the financial situation barely 200 children received treatment in 1992.

239. Despite this extensive legal and administrative framework, Guatemala's health indicators remain precarious, and maternal and child care is the most seriously affected area. However, the health indicators, child mortality for example, have shown some improvement in the last five years. In 1987 the child mortality rate was 71/1,000 live births, but it had improved to 57/1,000 in 1991.

240. The main causes of illness in five-year-olds are diarrhoea - with an incidence of 26%, respiratory infections - 22%, and malnutrition - 33.5%, as well as low birth-weight. The next in order of importance are parasitic diseases, skin infections and anaemia.

241. Progress has been made with regard to diseases preventable by immunization, for poliomyelitis is one of the diseases which is being eradicated: in 1990 only three cases were reported for the whole country, and none has been reported since. Cases of whooping cough have shown a considerable decline; the situation with regard to immunization against these diseases has also improved: in 1987 the cover was approximately 30%, with DPT, measles vaccine and BCG in virtually the same position, but there was only a 10% cover for tetanus toxoid.

242. Despite the efforts made, it must be pointed out that, according to the analysis of the situation of women and children prepared jointly by SEGEPLAN and UNICEF in August 1991, the health services operated by the Ministry of Health and the Guatemalan Institute of Social Security were reaching only 54% of the population.

243. The regional distribution of health facilities, in both public and private sectors, is such that most of the services are concentrated in the metropolitan region. The Government is concerned about the continuing shortage of health facilities, which is due to reduced public investment in the social sectors as a result of the economic crisis which has been affecting the country.

244. Guatemala has had to cope with a shortage of medicines at all levels, but where children's health is concerned it has had to seek external assistance for the supply of vaccines, syringes, oral rehydration salts and antibiotics for acute infections. There are serious deficits in the budget appropriations for purchase of the necessary supplies for children's health care.

245. The situation described above has seen some improvement as a result of the provision of medicine through a network of 53 State pharmacies and 194 municipal shops located throughout the country and, in the marginal areas, through the so-called community pharmacies; in rural areas medicines are distributed by the health workers.

3. Improvement of the family environment

246. The Ministry of Health has introduced a system of lower-level health facilities, called health centres or posts. These facilities are designed primarily for cases which do not require in-patient treatment, especially cases caused by "environmental" problems, predominantly diarrhoeic diseases. The centres and posts have the following specific functions:

(a) Out-patient consultations;

(b) Home visits;

(c) Treatment;

(d) Epidemiological monitoring;

(e) Expanded immunization programme;

(f) Acute respiratory infections;

(g) Oral rehydration treatment;

(h) Sanitation;

(i) Intermediary work;

(j) Community;

(k) Administration.

247. The Environmental Health Division operates at four levels: family, school, community and society.

248. A set of educational materials has been produced for the first level, based on illustrated material aimed primarily at children. Family counsellors also hold discussions on the importance of water, personal hygiene, hygiene in the home, handling of food, and disposal of excrement.

249. Four school painting books have been produced for the second group for children in primary education; teaching materials are also supplied by the environmental health inspectors and rural health workers through the teachers responsible for the activity. The health lottery is also used as a means of imparting education about health measures in schools and at district fairs.

250. The work with the third and fourth groups is based on displays and graphics and it is carried out by health workers and other health service personnel, who act as facilitators. Competitions, song festivals, and film and video-cassette shows are also held, with children and mothers as the target groups.

251. Mention must be made of the programme for the support of breast-feeding based on the Innocenti Declaration on the Protection, Promotion and Support of Breast-feeding, which was adopted in August 1990 in Florence, Italy. The following measures may be mentioned in this connection:

(a) The promulgation of a law regulating the marketing of substitutes for breast milk and of the regulations for application of this law;

(b) The practice of keeping babies with their mothers during the postnatal period in all the maternity wards operated by the State and the social security system;

(c) Encouragement of breast-feeding at any time (without a fixed schedule) in all the State and social security hospitals;

(d) Establishment of breast-milk storage facilities in these hospitals for the collection and conservation of breast milk to feed high-risk babies who cannot be breast-fed by their own mothers;

(e) Publicizing of the legislation guaranteeing women workers prenatal and postnatal leave on full pay;

(f) Establishment of breast-feeding support units for the collection of breast milk to help working mothers;

(g) Training in aspects of maternal and child health and nutrition for the home instructors of the Ministry of Agriculture and the medical and paramedical staff of the Ministry of Health and the Guatemalan Institute of Social Security;

(h) Incorporation of breast-feeding components in the primary education curricula;

(i) Production of educational materials for health workers and mothers.

252. The health infrastructure has certainly undergone some improvement, for in 1989 the national piped-water system reached only 40% of the population, as against the current 60%. Similarly, in 1989 only 18% of the population had proper latrines, as against the current 58%. This improvement is due to expenditure in urban areas, and the figures for rural areas are much lower.

4. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

253. The Ministry of Labour and Social Security, through the Unit for Protection of Child Workers, is fulfilling its obligation to provide protection for children who work in matters affecting their physical, mental and social development; for this purpose it has held seminars for businessmen and representatives of institutions. The aim is to raise the awareness of employers with a view to ensuring that children enjoy good conditions of hygiene and that their work does not affect their health and general development. However, working days of more than seven hours are still found in some enterprises, despite the recommendations made to the employers. For 1996 the intention is to give close attention to the monitoring of compliance with the child labour legislation.

254. The Ministry of Labour and Social Security, through the Unit for Protection of Child Workers, included among the measures planned for 1992-1996 an identity-card programme for child workers. The card gives such children full access to the health centres where they receive priority attention. The main objective is to identify children working in the informal sector in order to facilitate their access to education and leisure activities. A 70% success rate has been achieved, even though agreements between the Ministries of Health, Education and the Interior are still awaiting signature. The aim for 1996, with the help of all the non-governmental organizations, is to issue cards to all children working in the informal sector.

255. Through its public relations office and school patrols programme the National Police has carried out an education campaign on road safety and training of school patrols. The plan for 1996 is to continue with all these activities and to extend their cover.

5. Standard of living (art. 27, paras. 1-3)

256. One of the serious problems of Guatemalan society is the social risk to which children and adolescents are exposed owing to the consequences of the country's structural imbalances and the poverty prevailing among the population: high illiteracy rate, low rate of school attendance, family breakdown, high

rates of unemployment and underemployment, inadequate family incomes, lack of basic services, uprooted population groups, and erosion of moral and ethical values in the family and the community.

257. It is difficult to quantify the number of children and adolescents at "social risk" in Guatemala, especially when it is remembered that 53% of the population is under 18. It is estimated that there are between 500 and 1,500 boys and girls who can be classified as "street children" having to fight for survival.

258. Other estimates indicate that there are 150,000 orphan children and about 720,000 internally displaced children, that 1,159,353 minors participate formally, informally or marginally in economic activity, and that 700,000 minors work in the formal sector of the economy. These figures include 446,000 unpaid family workers and 137,000 children working in the informal sector without any labour protection, for very low wages, and without any fixed working hours or safety measures.

259. About 200,000 children engage in marginal activities, including theft, begging, trafficking in harmful substances, and prostitution. Up to 1990 the courts recorded some 1,800 cases of ill-treatment, and at least 3,700 children are living in institutions.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

260. With regard to the right of the child to education in accordance with the provisions of article 28 of the Convention, article 74 of the Political Constitution states that education is a right and an obligation of all inhabitants and that no charge shall be made for education provided by the State, which has a duty to promote and secure the full development of the human person.

261. The Ministry of Education, pursuant to its Agreement No. 479-80 and working through the National System for Improvement of Human Resources and Curricula (SIMAC) of the Department of Curriculum Design and Development, has produced curriculum guides for basic education and further education which include a human rights component; SIMAC has also designed an environmental component. Through the National Committee on Literacy (CONALFA) and pursuant to article 75 of the Political Constitution, transitional articles 12 and 13 of Decree No. 43-86 and Government Agreement No. 137-91, the Ministry is implementing national strategies for full literacy (1990-2000). A major constraint is the failure of the Government to assign for this purpose 1% of ordinary State revenue. There is also a post-literacy strategy for 1992-2000.

263. Education includes vocational training and guidance, and one of the measures adopted to make higher education accessible to all is the appropriation of 5% of the general State budget for the University of San Carlos to enable it to provide higher education at very low cost for a total of 72,000 students (75% men and 25% women); it is envisaged that this figure will increase to 80,000 students in 1996.

264. The Ministry of Labour and Social Security, through the Unit for Protection of Child Workers and in conjunction with CONANI, coordinates the alternative schools which operate on Sundays to allow working children to continue their studies. Action will be taken in 1996 to enable the Ministry of Education to take over this activity. The Unit established a programme of guidance for child workers to enable them to complete their schooling and thus improve their prospects. Textbooks and pamphlets were produced for this purpose and distributed to institutions and programmes dealing with the problems of these children. For 1996 the plan is to produce these information materials in the various languages used in Guatemala.

265. The Technical Institute of Vocational Training (INTECAP) was created to tackle the country's need for human resources training at the operational level and for increased productivity to promote its social and economic development. The INTECAP apprenticeship programmes are designed to provide young people with vocational qualifications. The apprenticeship system combines training at school with work in an enterprise; other types of training are also available.

B. Aims of education (art. 29)

1. Education aims, policies and strategies

Aims

266. The following are the aims of education in Guatemala:

(a) To provide education based on humanistic, scientific, technical, cultural and spiritual principles, which develop the pupil's whole personality, prepare him for work and for life in society, and offer him access to better living conditions;

(b) To cultivate and develop the people's physical, mental, moral, spiritual and civic qualities on the basis of their history and the values of respect for nature and the human person;

(c) To enhance the pupil's awareness of the importance of the family as the basic social unit and as the first and a continuing level of education;

(d) To promote in the populace a critical awareness of the Guatemalan reality;

(e) To encourage in the pupil a knowledge of modern science and technology as a means of preserving his natural environment or modifying it on an organized basis in favour of people and society;

(f) To encourage the systematic teaching of the Political Constitution of the Republic and strengthen the protection and observance of human rights and of the Convention on the Rights of the Child;

(g) To train and encourage the pupil to contribute to the strengthening of genuine democracy and the economic, political and cultural independence of Guatemala within the international community;

(h) To encourage in the pupil a full sense of organization, responsibility, order and cooperation, developing his capacity to subordinate his personal interest to the interest of society;

(i) To develop in the pupil a critical and inquiring outlook so that he can cope effectively with social change;

(j) To develop in the pupil skills and positive attitudes with respect to physical, sporting and aesthetic activities;

(k) To encourage in the pupil a responsible and committed attitude to the protection and development of the nation's historical, economic, social, ethnic and cultural heritage;

(l) To encourage co-education at all levels of education;

(m) To promote the systematic education of adults.

Policies and strategies

267. The education policies which constitute the framework and guidelines for the decisions and activities of the Ministry of Education are based on:

(a) Respect for human dignity;

(b) Consolidation of democratic life;

(c) Strengthening the cultural identity of the country's various ethnic groups, and enhancing their co-existence on the basis of mutual respect, as well strengthening the Guatemalan identity;

(d) Commitment of the whole Guatemalan community to the education process;

(e) Improvement of literacy rates;

(f) Introduction of innovative methods to expand the cover of the education system;

(g) Action to secure qualitative improvements in the school system;

(h) Further decentralization and regionalization of the education system;

(i) Priority attention for groups traditionally marginalized from the education services.

2. System of supervision

268. The system of technical and administrative supervision is responsible for advisory services, guidance, monitoring, coordination and evaluation of the national education system, with the following objectives:

(a) To improve the quality of education;

(b) To encourage commitment to the development of scientific and democratic education in the education community.

269. The following are the aims of the system of supervision:

(a) To promote the efficient and effective use of the goods and services provided by the Ministry of Education;

(b) To encourage the supervisory, integrationist and supportive role of the teaching process, and to enhance the status of the teaching profession;

(c) To promote efficient and cordial relations among the members of the education community.

3. Cover of the school system

270. According to Ministry of Education statistics, in 1992 the cover of the school system was 16% at the pre-primary level (3.5% bilingual). At the primary level, 62% of children aged 7 to 12 attended school (with the widest cover in the metropolitan and south-east regions with 91.3% and 82.4% respectively). The rates were 17.6% for the cycle of basic education and 9% for comprehensive education.

271. The pupils were taught in 1,991 bilingual pre-primary classrooms, 1,507 infants classrooms, 9,362 primary schools, 1,227 institutes of general culture, and 626 comprehensive schools. In order to improve the infrastructure of the education system, the Ministry of Urban and Rural Development, in support of the Ministry of Education, envisaged in its investment budget for 1993 the construction of 17 schools for an estimated total of 17,101 pupils.

4. The results of the actions and the success achieved

272. It is worth pointing out that, in order to improve the national education legislation and adapt it to the current needs and interests of Guatemalan society, a new Education Act tailored to the needs of a democratic, multiracial and pluricultural society has been adopted. It was approved by Congressional Decree No. 12-91 of 9 January 1991.

C. Leisure, recreation and cultural activities (art. 31)

273. The Ministry of Education has a programme of scholarships and study grants for pupils attending the middle level of public education or cooperative institutions; each pupil receives 100 quetzales a month for nine months of the year, for a total appropriation of 7,520,000 quetzales. For 1996 the plan is to extend the cover to 10,000 pupils, with an estimated appropriation of 9 million quetzales.

274. The Department of Extramural Education operates a modular extramural education programme, divided into two stages.

275. The Ministry of Culture and Sports has included in its work programme a social development plan for 1992-1996 targeted on children and young people, in the conviction that this population group constitutes the basis and the future of the country.

276. It is important to emphasize that the design, development and implementation of the proposed policies has required the technical and financial support of international bodies and non-governmental organizations, for the size of the population seeking access to cultural and sports services entails the mobilization of considerable resources.

277. Efforts are being made to ensure that all the activities are encouraged and available among all population groups; this goal will be achieved by means of programmes on radio and television and in the press, and an attempt is being made to secure space in cable communications.

278. Accordingly, the general policies of the Ministry of Culture and Sports do relate to the provisions of article 31 of the Convention in such areas as:

(a) The promotion of cultural, sporting and leisure activities;

(b) The support and promotion of leisure activities;

(c) Provision of cultural and sporting facilities;

(d) Sports for all;

(e) Encouragement of the protection and conservation of the natural and cultural heritage;

(f) Education and training in culture and sports;

(g) Promotion of technical cooperation;

(h) Regional support through institutional decentralization.

The policies described above form the basis for the goals and targets formulated by the Ministry of Culture and Sports through its various departments.

279. The Ministry of Labour and Social Security established education and leisure programmes to facilitate exercise of the rights of the child in this area and to promote the integrated development of children who work. These activities were coordinated with non-governmental organizations. The programmes reached 500 boys and 300 girls. The plan for 1996 is to conclude agreements with the private sector to facilitate the access of working children to leisure activities.

280. The Social Welfare Department facilitates access to education, leisure and cultural activities for all the boys and girls benefitting from its services. The cover of this activity is being extended every year.

281. Through its public relations office and school patrols programme the National Police has been carrying out the following activities:

- Celebration of the Day of the Child in communities and during saint's day festivities;

- Formation of boy scout troops in marginal areas;

- Discussion meetings and other activities involving teachers, parents, neighbourhood groups and municipal officials concerning security, urban crime and juvenile delinquency, and formation of neighbourhood committees to support the National Police;

- Improvement of the image of the National Police through its involvement in artistic, cultural, civic and other activities conducted in institutions and schools and on housing estates.

It is the intention to continue all these activities in 1996 and to extend their cover.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency (arts. 22, 38 and 39)

282. The Government has accorded the highest priority to the quest for peace and national reconciliation. On this basis and in accordance with the principles and commitments set out in the plan for total peace, it is giving its close attention to the solution of the problems of refugees, returnees and internally displaced persons. In the spirit of the Esquipulas Agreements and in accordance with the Oslo procedure, in 1991 the Government published the presidential initiative for total peace as the general framework for the harmonious coexistence of the Guatemalan people. It is based on four fundamental premises for the attainment of peace: termination of the armed conflict, greater economic and social equity, respect for and strengthening of the legal basis of society, and consolidation of the democratic process.

283. In the agreement signed in Querétaro, Mexico, on 25 July 1991 the Government and the URNG decided by common accord that the consolidation of effective and participatory democracy required inter alia the effective resettlement of the people uprooted by the violence.

284. The Government of Guatemala has signed Letters of Understanding with the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Refugees (UNHCR). It has also declared that priority is to be given to the search for and formulation of new strategies to deal with the problems of displaced persons.

285. On 10 July 1991 the Government, through the Ad Hoc Committee for Aid to Returnees (CEAR), published its policy for helping refugees and displaced persons as part of the initiative for total peace. This policy sets out the details of the action to be taken by the Government to deal with the various situations of returnees and displaced persons with respect to land tenure. It has ratified the international commitments undertaken with reference to respect for and protection of refugees, returnees and displaced persons, including the commitments contained in the Concerted Plan of Action adopted at the International Conference on Central American Refugees (CIREFCA), and it has

undertaken to strengthen and support the communities willing to receive Guatemalans who decide to return voluntarily.

286. CEAR engages in social work, helping people to return to their country and furnishing them with general and emergency assistance. A breakdown of the statistics on returnees is given in the following table:

Category	1990	1991	1992	1993	1994
Men	160	416	347	1,068	986
Women	154	407	318	983	884
Children	426	942	1,042	3,084	2,768
Persons	740	1,765	1,707	5,135	4,638
Families	174	372	382	1,070	976

287. In addition to these measures and in accordance with the commitments contained in the Plan of Action mentioned above, the Government has made through CEAR a survey of the land available in the areas most seriously affected by the conflict and in adjoining areas, in order to obtain the technical and practical information which will enable it to propose solutions to the land problem and to identify new areas suitable for development. On 13 November 1991 the Government and UNHCR signed a Letter of Understanding which reaffirms the Government's policy and sets out clearly its commitments with regard to the safety and protection of uprooted populations in order to achieve the following goals:

(a) To facilitate information on and training in the international protection of refugees and returnees for the uprooted populations, the returnee communities, the national institutions working with them, and the armed forces and police forces;

(b) To ensure that the returnees do not suffer, by reason of having been refugees, any discrimination in the exercise of their social, civil, cultural and economic rights;

(c) To guarantee the freedom to chose the place of individual, family or collective residence;

(d) To provide UNHCR with information about the legal procedures which the returnees must complete;

(e) To guarantee the freedom of association and the freedom not to join self-defence groups;

(f) To facilitate access to and recovery and legalization of land under conditions similar to the ones previously in force;

(g) To provide prompt and full documentation for the returnees and their children on the same conditions as for all citizens;

(h) To ensure that all international civil servants can carry out their work with returnees, and to guarantee inter alia the free entry and exit of foodstuffs, inputs, equipment and materials in connection with aid and

development projects, and to obtain the necessary information for carrying out such work;

(i) To guarantee the safety of the personnel and the integrity of the institutions of legally registered NGOs in the implementation of programmes and projects for the returnees.

288. CEAR was reorganized and elevated to the status of a unit of the Office of the President by Government Agreement No. 68-91 of 4 February 1991.

289. Within the framework of these activities and in accordance with the principle of voluntary repatriation as the optimum solution, the Government has initiated a dialogue with representatives of the Permanent Committees for Guatemalan Refugees in Mexico and with other organized groups in the political determination, conviction and desire to find solutions to the problems impeding the return. The aim of this dialogue is to create the participatory machinery for the joint determination and planning of measures to facilitate the voluntary, collective, organized and gradual return of Guatemalans to the national territory in conditions of dignity and security and of full respect for human rights.

290. CEAR's basic aims include:

(a) To facilitate the return to the country of Guatemalan refugees living abroad;

(b) To provide assistance to displaced persons;

(c) To coordinate, evaluate and supervise the reintegration of the uprooted populations;

(d) To assist foreigners who have taken refuge in Guatemala.

291. The specific aims include:

(a) To improve coordination with the organizations dealing with Guatemalan refugees abroad;

(b) To channel financial aid from Guatemalan and foreign organizations to provide services for returnees and displaced persons;

(c) To reorient the services provided for internally displaced persons;

(d) To coordinate the social reintegration of the uprooted populations with other public and private institutions;

(e) To reorganize the existing infrastructure in preparation for collective repatriations;

(f) To provide services for refugees on Guatemalan territory.

292. Repatriated families are registered under a national system and they are provided with aid in the form of agricultural advisory services and with assistance in the community from the rural health workers and midwives of the

Ministry of Health. Persons not in possession of identity documents are helped to obtain them in the municipality of jurisdiction. CEAR conducted a survey of the education infrastructure in the Ixcán El Quiché area, including the construction and state of repair of schools and the amount of equipment and number of teachers needed in the region.

B. Children in conflict with the law (art. 40 and art. 37, paras. (b), (c) and (d))

293. According to article 20 of the Political Constitution, minors who contravene the law may not be charged with an offence, and their treatment must aim to give them a full education appropriate to their age. Minors who violate the criminal law must be cared for in specialized institutions and by specialized personnel and they may not on any ground be confined in a gaol or place of detention intended for adults.

294. The legislation setting out the regulations for the treatment of minors in irregular situations is contained in the Minors Code. Articles 5 to 7 of Title II of this Code regulate the protection of minors in irregular situations in the following terms: "Minors in irregular situations are minors who suffer or are disposed to suffer abnormality or disturbance in their physiological, moral or mental condition and minors who have been abandoned or are at risk." Article 6 states that: "Minors may not be charged with a misdemeanour or crime, and their antisocial acts constitute disturbed behaviour requiring specialized treatment and not punishment"; and article 7 states that: "The parents, guardians or other responsible persons bear responsibility for any irregular situation affecting minors, be it abandonment, moral jeopardy or disturbed behaviour. Third persons harmed by antisocial acts committed by minors are entitled to take legal action to enforce this responsibility." The specialized care of such minors is the responsibility of the Office of Treatment and Guidance for Children (TOM), a unit of the Social Welfare Department of the Office of the President, which provides comprehensive treatment for minors with behavioural problems. In June 1991 this Office was reorganized: the infrastructure and modalities of the provision of the services were improved, and technical and humanistic training was provided for the staff. All this work was undertaken in conjunction with the Office of Social Works of the wife of the President. These restructuring measures were submitted to the highest authorities of the Government, the President of the Republic, the President of the Supreme Court of Justice, and the Human Rights Procurator. Joint decisions were taken with these authorities on legal matters affecting minors and on the psychological and emotional guidance and care and the health services to be provided in the future centres. The restructuring included the introduction and operation of a programme entitled "Protection and Security of Street Children", which was a response to the serious problem of the social disintegration of Guatemalan society which is clearly manifest in the children and young people who, for various reasons, take to the streets in order to satisfy their most pressing needs and who suffer ill-treatment and social rejection. This programme is designed to offer concrete solutions for the 1,500 or so affected minors, and one of the aims is to take action to ensure the protection and safety of children aged 9 to 18 who live in the street and have recourse to such survival strategies as theft, prostitution, drug-addiction, and attacks on third persons.

295. In order to make this programme more effective, it has been divided into three subprogrammes, the implementation of which focuses on two closely related processes:

(a) Reeducation:

(i) A diagnosis and location centre was inaugurated on 5 August 1992 to act as a minors referral unit for psychological, physical and social examination; it also provides legal guidance for their reintegration in their families (if considered appropriate) or in the programme most suited to their needs or problems;

(ii) The juvenile integrated training school is a stabilization unit for non-recidivist minors whose home conditions constitute a risk; the school initiates a serious process designed to strengthen their personal development. This stabilization is achieved by means of training in farming skills and occupations, using the resources of the San José Pinula estate - about 40 hectares of land, with areas of woods and crops. It is also the intention to train the young people in some additional aspects of the human relations necessary for comprehensive individual development. The school has an initial budget for the remodelling of the units where the young people live. The implementation period is five years (1991-1996) and it will cater for a total of 2,850 minors;

(iii) The "Hogar Rafael Ayau" occupational training school offers vocational training for minors who work or are in a situation of risk, in order to equip them with occupations which will enable them in the short or medium term not only to boost their income but also to set up individual or family businesses. Additional assistance such as general guidance and organization of leisure activities is also offered.

(b) Correction:

(i) The observation centre was designed as a response to a very serious problem: it provides specialized treatment for recidivist children and young people. It is a programme for treating minors who repeatedly violate the law or the physical or moral integrity of other persons; its ultimate aim is to rescue them and refer them to the reeducation centres;

(ii) There are two centres for girls. The observation and location centre for girls was established to treat girls in conflict with the law referred by juvenile judges for psychological, physical and social reports. It must be pointed out that the incidence of crime among girls is low, only 60% of the rate for boys. The problem is a totally different one: 80% of the girls are admitted because they are at social risk and only 20% for breaking the law. The "Gorriones" reeducation centre for girls was established for girls at social risk who are not repeat offenders but do need protection and security.

296. The Office of Treatment and Guidance for Children has three regional prevention centres whose function is to prevent problems of irregular behaviour among young people by means of a variety of training activities carried out with the participation and support of the community. These regional centres are located in Cuilapa, Zacapa and Coatepeque.

297. The Social Welfare Department, through the Office of Treatment and Guidance for Children, designed and is carrying out an assisted release programme, which is designed to avoid the unnecessary internment of adolescents who have committed trivial offences; one of the problems is the lack of enthusiasm for this undertaking on the part of juvenile judges. It is estimated that in 1996 the number of adolescents unnecessarily detained will decline by 20%.

298. The Office produces the disciplinary handbooks of the internment centres, which are based on the Convention on the Rights of the Child, the "Riyadh Guidelines" and the "Beijing Rules". Training is also provided for the staff.

299. Other institutions also carry out activities in this area. Through its public relations office and school patrols programme the National Police is planning to train its personnel in 1996 in the doctrine of comprehensive protection, drawing a distinction between cases requiring protection and cases of violation of the law. In actual practice, the National Police brings a child who has committed a misdemeanour or crime before a judge, who decides on the action to be taken (art. 33 of the Minors Code). The intention for 1996 is to provide training in legal matters for all members of the National Police.

300. The Ministry of the Interior, acting through all units of the National Police and in particular its Minors Department, will monitor the observance of the procedural manual in cases involving minors. The procedures which must be followed in this connection include the oral notification of all detained minors of the grounds for their arrest (art. 7 of the Political Constitution). The aim for 1996 is to provide training for all members of the police in the procedural rules for dealing with minors.

301. The law requires that:

(a) The minor shall immediately be brought before a judge;

(b) The judge shall question the minor in private;

(c) The agent of the National Police shall submit to the judge a report on the facts of the case;

(d) The agent of the National Police shall notify the minor's parents or other family members.

It is reported that in some cases the parents or other family members do not accompany the minor through these procedures. In 1996 the intention is to train all members of the National Police in the procedural rules for dealing with minors.

302. In some cases the principle of privacy in relation to an arrest (arts. 30 and 33 of the Minors Code) is not respected by some elements of the press who

make approaches to minors, citing the freedom of access to information as justification. In 1996 discussions will be held with the various communications media to make them understand the principle of private procedure with respect to minors.

303. During the period 1990-1994 the Ministry of the Interior, through the National Police, produced and brought to the attention of all members of the National Police the manual of procedural rules for dealing with minors who break the law. Progress has been made since the establishment by the National Police of its Minors Department, whose personnel is specifically trained in these matters. The National Police also participates in the inter-institutional committee which is preparing the draft code on childhood and adolescence.

304. It is argued that the internal changes of personnel in the National Police prevent due continuity and follow-up; the problem is a shortage of resources for recruiting personnel and purchasing equipment for the Minors Department. An effort will be made in the future to complete the staffing and equipping of this Department and secure the adoption of the new code on childhood and adolescence. Training in the new code will be provided.

305. There is also the Standing Panel on Children, which draws its members from the Social Welfare Department, police personnel with special training in children's affairs, the Office of the Children's Procurator of the Office of the National Procurator-General, the Juvenile Courts Coordination Unit, and Casa Alianza (NGO). The Panel is convened by COPREDEH, which draws its members from all the institutions working directly with minors in conflict with the law. The Panel coordinates efforts to improve the treatment of such minors as they pass through these various institutions.

C. Children in situations of exploitation (art. 32-36 and 39)

306. In Guatemala the direct, indirect or marginal participation of minors in economic activity is a structural phenomenon. In the case of work in the formal sector of the economy, the participation of minors in rural indigenous areas is a "tradition" stemming from the exploitation to which this population group has been subjected as part of its marginalization since the colonial era. What is new is their participation in the informal sector and marginal economic activities - a result of the impoverishment of the population in the past decade, the fragility of poor families under pressure from the challenges of the new labour market, and the conditions of survival imposed by the system, which has forced boys and girls to abandon their homes.

307. According to the findings of the National Social and Demographic Survey in 1989, there were 509,000 minors working in rural areas, representing 17% of the economically active population (EAP). According to 1950 census data, the figure was then 650,000 (30% of the total EAP). In 40 years the EAP figure for rural children, as measured by the traditional census method, fell by 20% in volume, and as a proportion of the total EAP, without this signifying better working conditions for them.

1. Legal measures contained in the Labour Code

308. Because of their importance, we will cite some of the provisions of the Labour Code which relate to minors.

309. Article 102, paragraph 1, of the Political Constitution states, with reference to the minimum social rights established in the labour legislation, that: "Minors under 14 years of age may not be employed in any kind of work, with certain exceptions provided by law" (art. 150 of the Labour Code).

310. The labour legislation specifies the exceptions to the prohibition on child labour: by virtue of authorization granted by the General Labour Inspectorate in certain exceptional cases a minor under 14 years of age may be employed for a six-hour working day, and a minor aged 14 years or over may work for up to seven hours. Before authorization is granted, it must be verified that the minor will work as an apprentice or because he needs to contribute to the family economy; it must also be verified that the work is light in intensity and duration and compatible with the physical, mental and moral health of the minor, and that he manages in some way to comply with the requirements of his compulsory education.

311. Article 147 stipulates that the work performed by women and minors must be especially suited to their age, physical condition and mental and moral development.

312. Article 148 states that if women and minors aged under 16 years are to perform unhealthy or dangerous work, the General Labour Inspectorate must determine whether such work is consistent with the regulations.

313. Article 149 stipulates that the ordinary working day must be shorter for minors:

(a) One hour a day and no more than six hours a week for children aged 14 or under, subject to authorization by the General Labour Inspectorate;

(b) Article 150 states that the General Labour Inspectorate may issue, on an exceptional basis, written authorization for children under 14 to work an ordinary day or, where necessary, may prohibit work or reduce the hours worked.

314. In this connection the authorities must verify that:

(a) The minor will work as an apprentice or because he needs to contribute to the family economy owing to the extreme poverty of his parents or the persons responsible for his care;

(b) The work is light in intensity and duration and compatible with the physical, mental and moral health of the minor;

(c) That the minor manages to comply in some way with the requirements of his compulsory education.

315. On the subject of the hiring of minors, articles 31 and 32 regulate the capacity of minors of either sex aged 14 or over to conclude labour contracts and to receive and dispose of the agreed remuneration and in general to exercise the rights and take the action provided for in the Labour Code, the regulations thereto, and the social security legislation.

316. Contracts concerning work by children under the age of 14 must be concluded with their legal representatives; failing that, the authorization of the General Labour Inspectorate is required.

2. Policies of the Ministry of Labour and Social Security

317. With regard to the matters discussed above, the Ministry of Labour and Social Security plans to introduce the following policies:

(a) To strengthen the protection of minors who work within the existing legal framework by promoting measures which will contribute to their work training and integrated development;

(b) To give broad publicity in the production sector to the international human rights treaties concerning children which Guatemala has ratified and to enhance awareness of the problems of children who work. In order to achieve this goal, forums, courses and seminars on the Convention on the Rights of the Child will have to be held in the various regions of the country;

(c) To protect the interests of minors who work;

(d) To provide systematic guidance and technical information for children who work concerning their labour rights;

(e) To promote the formation of organizations of children who work.

3. Administrative measures

318. Bearing in mind the policies which it had formulated and in view of the situation of minors who work, the Ministry established the Unit for Protection of Child Workers, which has a multidisciplinary team of experts who work together to educate and provide guidance for child workers in order to improve their personal situation and promote their development. The Unit offers its services to child workers who request them and to those who are experiencing difficulties in their labour relations.

4. Supervisory measures

319. The supervisory measures include:

(a) The promotion of education programmes in occupational health;

(b) The promotion of leisure programmes for children who work;

(c) Monitoring of the application of the Minors Code, the Convention on the Rights of the Child and the other national legislation in force, in order to safeguard the rights of the child;

(d) Development of the Unit's internal and external coordination machinery.

320. The Ministry of Labour and Social Security, through the Unit for Protection of Child Workers, planned among other measures the creation of a

tripartite commission for the protection of child workers, which would involve the Chamber of Agriculture, the Confederation of Trade Unions of Guatemala (CUSG) and individual trade unions, with the Ministry providing the presiding officer.

321. The Ministry has made an analysis of the laws ratified by Guatemala in order to determine the conditions under which children may be allowed to work, for it is clear that the fundamental consideration during childhood is the formation and full development of the child's personality so that he will grow up into a healthy adult capable of taking his place in society. Seminars and workshops have been held, including one in conjunction with the Central American Parliament (PARLACEN) which examined inter alia the following laws in force in Guatemala: ILO Convention No. 138 concerning minimum age for admission to employment (ratified in 1990) and the Convention on the Rights of the Child (ratified in 1990). The problem is that in most cases it is the parents who compel their sons and daughters to work because of the family's extreme poverty.

322. The Ministry also produced the following materials: 10,000 leaflets and 10,000 posters on the following topics: Labour Code; rest days, public holidays and vacations: Decree No. 64-92; Christmas bonuses (Constitution of the Republic); Voucher 14: Decree No. 42-92; working day: article 149 of the Labour Code; minimum wage: Decree No. 78-89 and Government Agreements Nos. 888-91 and 889-91; prohibitions on work by women and minors: article 148 of the Labour Code; employers' obligations: Labour Code; girls and mothers who work, pre- and post-natal: Decree No. 64-92 and Labour Code; breast-feeding: Decree No. 64-92 and Labour Code.

323. A joint plan was carried out with the General Labour Inspectorate to identify specific cases of unjustified dismissal of boys or girls and cases of refusal by employers to pay some of the labour benefits. Where necessary, complaints were filed in order to protect the children, and an inspector was appointed to deal with each case. However, the difficulty is that the labour inspectors designated for the Unit for Protection of Child Workers have not been appointed, with the result that the investigations are subject to long delays.

324. There has been collaboration between the Unit and the National Women's Office with a view to carrying out educational activities for indigenous girls. Seminars and workshops have been held on the gender issue and on motivation and self-esteem. The task of the Ministry and its special Unit for Protection of Girl Workers is to ensure observance of all labour rights without exception, with particular emphasis on the rights of girls and women. The intention is to produce education and information materials in the various languages.

X. CIRCUMSTANCES AND DIFFICULTIES OF THE IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION

325. The State of Guatemala recognises that, in order to ensure exercise of the rights set out in the Convention, it has a commitment to adopt all necessary measures for the gradual attainment of the full observance of the human rights of the child and of the whole population.

326. The following are the main circumstances and difficulties encountered in the endeavour to implement the provisions of the Convention:

(a) The prevailing world economic crisis is a circumstance which has a direct impact on the availability of the necessary resources for infrastructure improvements in education, health and social welfare;

(b) The poor standards of training and specialization of the persons directly responsible for children who, for one reason or another, find themselves under the protection of public or private institutions; and the general unawareness of the rights of the child;

(c) Although attempts are being made to bring Guatemala's legislation into line with the Convention, there remains the problem of achieving a consensus in favour of the adoption of the new code on childhood and adolescence and the new adoption act.

XI. METHODOLOGY AND SYSTEMS FOR THE PREPARATION OF THIS REPORT

327. The following steps were taken in the preparation of this report:

(a) Background information was sought in accordance with article 44 of the Convention and it was used as the basis for a plan of work;

(b) In accordance with this plan, all the institutions having responsibilities for the fulfilment of the commitments undertaken by Guatemala under the Convention were identified;

(c) Once the institutions had been identified, contact was established with the persons who were to act as focal points for the collection of the necessary data and information for the compilation of this report;

(d) A form was designed for the collection of data and information which allowed clear identification of the following points:

(i) The institution to which the information refers;

(ii) The content: title, subtitle, article number and paragraph number of each of the rights contained in the Convention; this served as the basis for drafting more specific and precise questions about the content of the requested data and information. The form asked questions on the following points:

(a) The existence of a legal basis or internal provision which facilitated, approved or guaranteed the actions;

(b) Identification of the unit responsible for carrying out the actions described;

(c) The measures planned for 1990-1996;

(d) The measures carried out in the reporting period 1990-1994;

(e) The percentage implementation rate of the reported actions;

(f) The identification of constraints;

(g) The total cover, preferably broken down by gender;

(h) Plans for 1996.

(iii) This form was sent to every institution, addressed to its senior official, in coordination with the focal points;

(e) Once this material had been collected, it was analyzed to verify that the requested information had been provided and that it was relevant to the topics in question;

(f) Once the validity of the information had been established, it was processed and organized;

(g) The next step was the preparation, drafting and issue of the report and its presentation through the available media of the Government and other organizations;

(h) The report will be published.